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Executive Summary

Pursuant to Article 92 of the Constitution the National Parliament is the organ of sovereignty 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 These laws are Law No. 4/2002 Organic Law of the National Parliament superseded by Law No. 15/2008 which was superseded by Law No. 12/2017 on the Organisation and Administrative Functioning of the Parliament, Law No. 4/2009 on the Legal System for Parliamentary Inquiries, Law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, and Law No. 10/2016 approving the Statute of the Staff of the National Parliament.

In terms of human resources, based on data obtained by JSMP, the National Parliament has public servants and politically appointed staff. There is a total of 175 staff, comprising 147 public servants (permanent) and 28 politically appointed staff. In terms of gender equality, there is a positive balance between men and women. In relation to public servants, 42% are women and 55.78% are men. In relation to politically appointed staff, there is an equal number of women and men. In terms of all staff, 45% are women and 55% are men.

In addition to human resources, work spaces are also important and contribute to the effective and efficient work and functioning of the National Parliament. For many years JSMP has identified that there are not enough work spaces for members of parliament and staff to contribute towards ensuring productive and high quality work. JSMP believes that it is important for the Secretary-General of the National Parliament to consider allocating funds to improve the work spaces available at the National Parliament in accordance with the competencies granted in Article 22.2 (b) of Law No. 12/2017, when planning to build a new National Parliament, which will take a long time.

Meetings of the plenary and the committees are regulated by the Parliamentary Rules of Procedure. The schedule for plenary and committee meetings is provided for in Article 46.2 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.

JSMP has identified that members of parliament still do not adhere to the Parliamentary Rules of Procedure regarding their punctuality. Plenary and committee meetings always started late between 10:00 or later and sometimes meetings could not take place at all because a quorum

could not be established. When the National Parliament was dissolved the Standing Committee hardly functioned at all.

However, daily observations and data on the attendance and participation of MPs in the V legislature show positive changes in comparison with previous legislatures. Absences remain high, but in comparison with the IV Legislature unjustified absences went down almost 71%. The average participation of MPs in the legislative process was also high in comparison with previous legislatures.

In terms of productivity, during a six month period between 13 June to 31 December 2018, the National Parliament managed to produce 4 laws and 19 resolutions. However, JSMP believes that the National Parliament needs to give priority to a number of important laws that are pending or have expired for discussion and approval during subsequent periods. These draft laws are the Law Against Corruption, Law on National Reparations for Victims, Law on a Public Memory Institute, Law on a Bar Association, Law on Child Protection and Law on Juvenile Justice.

During this six month period JSMP noted that the National Parliament was actively involved in guaranteeing public participation in the legislative process and gave consideration to public contribution in legislative products.

In addition to relevant issues at the National Parliament, JSMP also provided critical feedback on the political situation during 2018. Based on JSMP's observations, the political impasse that started in 2017 continued until 2018 and some political precedents were established during this period. For example the dissolution of the National Parliament, early elections, the rejection of some candidates for members of the VIII Government and blocking the overseas visits of the President of the Republic.

The dissolution of the National Parliament was the final recourse that the President of the Republic had to take to normalise the political situation in the country. Even though there were a range of debates about the decision of the President of the Republic to dissolve the National Parliament, JSMP believes that this decision was still within the limits of constitutional and legal norms and provided an intermediate political solution that was neutral and politically fair for all parties.

In relation to the early elections, even though this was the first time that such a political situation has occurred that could have potentially led to conflict, in the end the people managed to overcome this scenario and prove that the people of Timor-Leste have maturity, political

awareness and the capacity to manage this situation to avoid any major crises from occurring. This experience serves as a reference and historical memory for future generations.

After the early elections and during the formation of the VIII Constitutional Government other new precedents were established, because the President of the Republic rejected the appointment of some candidates for members of Government because they were subject to judicial proceedings. JSMP believes that in order to guarantee the promotion of good governance it is necessary to choose candidates to serve the State who are free from criminal allegations, especially corruption.

JSMP believes that the decision of the President of the Republic is a positive step towards promoting good governance and combatting corruption. Even though there are those that are for and against this decision, because it had the potential to undermine the principle of 'presumption of innocence' enshrined in the Constitution of the Republic and international conventions that have been ratified, this decision sends a strong message about the importance for every component of the State to have a commitment to promoting and guaranteeing the principle of good governance.

At the time of publishing this report no political solution has been identified relating to the pending appointment of these candidates for members of government. JSMP recommended on many occasions for the (AMP) Majority Parliamentary Alliance as a whole, or for the individual candidates affected by the decision of the President of the Republic, to explore constitutional channels through the courts to end the debate on interpreting the competence of the President of the Republic pursuant to Article 106 (2) of the Constitution on appointments. Unfortunately these elements had no desire to resolve this case through constitutional and legitimate channels.

This has had serious implications on the political communication between the President of the Republic and the AMP coalition. The National Parliament through resolutions from the plenary has blocked requests for the President of the Republic to make overseas trips on four consecutive occasions including visits to Portugal, the United States, Indonesia and the Vatican, Rome.

JSMP considers political practices like these to be counter-productive and unsafe for democracy and the national interest, because it implies that there are unhealthy political relationships and communication between the President of the Republic, the National Parliament and the Government, which affect the functioning of the nation and the lives of ordinary citizens.

This report not only makes observations about the National Parliament, JSMP also makes observations on the political situation, advocacy and training in the community. Advocacy activities are a means used by JSMP to influence decisions in the political, legislative and also

judicial systems, including improving and promoting human rights, justice, and the transparency and accountability of State institutions and organs.

Advocacy takes a number of forms; for example through the drafting of opinions, press releases, meetings, participating in human rights and justice networks at the national and international level and publishing materials through the print media and electronic media, radio and television.

JSMP produced 7 opinions during 2018, including a note regarding JSMP's stance on the allocation of the 2019 State Budget to the justice sector, progress and challenges relating to legislative developments in Timor-Leste, and the obligations of the State of Timor-Leste in the recruitment process and the workplace: progress and challenges in implementing the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the implementation of the International Covenant on Civil and Political Rights (ICCPR) in relation to Law No. 1/2006 on the Freedom of Assembly and Demonstration, Commitment to combat crimes of corruption, the Competence of the Anti-Corruption Commission (CAC) and its existing challenges, the Dissolution of the National Parliament and the effect on the political legitimacy of the current Government, and Results of JSMP monitoring and findings in the Justice Sector.

JSMP has also carried out advocacy through public consultations with other components of civil society. These consultations have included a meeting with the Minister of Justice to recommend criminalising incest, a meeting with the President of the Court of Appeal and the Prosecutor General of the Republic to present JSMP findings in the justice sector. Also, there was a meeting with the Secretary of State for Equality and Inclusion to talk about amending the Penal Code, a meeting with Committee F of the National Parliament to introduce the work of JSMP and a meeting with the President of the National Parliament to present JSMP findings.

JSMP also facilitated training to members of Village Councils and members of the Lesbian, Gay, Bisexual and Transgender (LGBT) community in the jurisdictions of the Dili, Baucau, Suai and Oecusse District Courts.

In 2018 JSMP conducted 11 trainings, comprising 8 trainings for members of village councils and community members in 8 villages, and 3 trainings for members of the Lesbian, Gay, Bisexual and Transgender (LGBT) community at the municipal level.

The aim of these trainings was to increase the knowledge of the participants about democracy, the role of the sovereign organs, public participation in the law making process and access to formal justice.

84 people participated in training for the Lesbian, Gay, Bisexual and Transgender (LGBT) community and 247 people participated in training for members of the village council and members of the community, comprising 102 women and 145 men.

During these trainings JSMP noted concerns raised by communities relating to the political situation linked to issues such as the dissolution of the National Parliament, early elections and the formation of the government. In addition, community members also raised concerns about some decisions made by the National Parliament that they believe to do not reflect the interests of the majority who are represented by the members of parliament, because they have created political uncertainty that undermines the functioning of the country and the lives of ordinary citizens. Communities were also disappointed with a lack of awareness raising for communities about important and relevant laws such as the Law Against Domestic Violence, Law on Community Leaders, Law on the Ownership of Real Estate, the Law on Expropriation and the Law on Land Use.

Based on these concerns JSMP recommends for the National Parliament to:

- 1) Develop a National Legislation Program for each Legislature to give priority to important laws that have been pending for many years or that have expired in the National Parliament. Including as the Law on Reparations and a Public Memory Institute to ensure transitional justice for victims of past crimes; the Law Against corruption that can strengthen the work of the Public Prosecution Service and the Anti-Corruption Commission (CAC) in combatting corruption and the Law on the Creation of a Bar Association to strengthen the judicial system and access to justice, and the Law on Child Protection to guarantee and properly protect the rights of the child.
- 2) 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 these important laws.
- 3) Apply disciplinary sanctions against members of parliament that violate the Parliamentary Rules of Procedure, to prevent such behaviour from occurring in the future;

- 4) 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.
- 5) The National Parliament and relevant State institutions should actively involve the public in the legislative process and disseminate information about these 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 community.
- 6) 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 work spaces to members of parliament to ensure the effective functioning of the National Parliament.

Introduction

The Judicial System Monitoring Program (JSMP)¹ 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, justice and human rights through monitoring, legal education and advocacy.

In 2010 JSMP established the Parliamentary Watch Project (PWP) to contribute towards further improving the efficiency and functioning of the National Parliament in regards to its 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 National Parliament to ensure that the laws produced by the Parliament reflect the interests and aspirations of the people and to also ensure public participation in legislative processes.

Through this program JSMP also has carried out its role as an intermediary that links the communities in rural villages with sovereign organs, particularly the National Parliament and judicial sector institutions. These activities are carried out through disseminating information to communities about the role of the sovereign organs and channelling the thoughts, concerns and recommendations of the communities to the sovereign organs through consultations and publications. Also, JSMP organizes national and regional seminars to facilitate direct contact between members of the village councils and rural communities as well as members of the Lesbian Gay, Bisexual no Transgender (LGBT) community with members of the National Parliament and judicial actors.

This 2018 PWP Annual Report will outline three main activities, namely monitoring of the National Parliament, advocacy and training for rural communities and members of the LGBT community.

In addition, JSMP will also present observations and critical analysis about the political situation in 2018. This analysis will cover important circumstances and incidents, starting with the dissolution of the National Parliament and continuing up until the formation of the VIII Constitutional Government.

The section on monitoring of the National Parliament will outline issues of punctuality and the attendance of members of parliament in meetings of the Plenary and Committees, including their productivity in terms of drafting legislation, carrying out supervisory activities and political decision making.

¹Please refer to the JSMP website at: www.jsmp.naroman.tl

The section on advocacy will outline opinions submitted to the National Parliament, Government and other relevant institutions, press releases and publications in the print media. Also, observations are provided about the 2018 State Budget.

In relation to the concerns of communities, JSMP will outline concerns conveyed by communities during training conducted in remote villages. These concerns will be passed on to the relevant State bodies and 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.

The structure of the report is as follows:

- ✓ Part 1 Introduction
- ✓ Part 2 Functioning of the National Parliament
- ✓ Part 3 Critical Observations of the Political Situation in 2018
- ✓ Part 4 Advocacy
- ✓ Part 5 Concerns of Communities
- ✓ Part 6 Conclusions and Recommendations
- ✓ Part 7 Annexes.

National Parliament

Pursuant to Article 92 of the Constitution, the National Parliament is the organ of sovereignty that represents all Timorese citizens and is vested with legislative, supervisory and political decision making powers.² 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 perform some of these competencies. In addition to the competence to make laws, the Constitution also grants competence 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 inquiry process. The legal framework is Law No. 2002 Organic Law of the National Parliament³ superseded by Law No. 15/2008⁴ which superseded Decree-Law No. 12/2017 on the Law on the Organisation and Administrative Functioning of the Parliament⁵, Law No. 4/2009 on the Legal System for Parliamentary Inquiries⁶, Law No. 15/2009⁷ amended by Law No. 1/2016 on the National Parliament Rules of Procedure⁸, Law No. 10/2016 approving the Statute of the staff of the National Parliament.⁹

In relation to the legal framework mentioned above, JSMP recommends that when a new law is created to revoke an old law, lawmakers should ensure that laws that are interlinked or include references to laws that have been revoked, so that there is no

² Please refer to the electronic version of the RDTL Constitution in Tetum:
http://www.mj.gov.tl/jornal/public/docs/ConstituicaoRDTL_tetum.pdf and Portuguese:
http://www.mj.gov.tl/jornal/public/docs/ConstituicaoRDTL_Portugues.pdf

³ Please refer to the electronic version of this law at:
http://www.mj.gov.tl/jornal/public/docs/2002_2005/leis_parlamento_nacional/4_2002.pdf

⁴ Please refer to the electronic version of this law at:
http://www.mj.gov.tl/jornal/public/docs/2008/serie_1/serie1_no48.pdf

⁵ Please refer to the electronic version of this law at:
http://www.mj.gov.tl/jornal/public/docs/2017/serie_1/SERIE_I_NO_20.pdf

⁶ Please refer to the electronic version of this law at:
http://www.mj.gov.tl/jornal/public/docs/2009/serie_1/serie1_no25.pdf

⁷ Please refer to the electronic version of this law at:
http://www.mj.gov.tl/jornal/public/docs/2009/serie_1/serie1_no40.pdf

⁸ Please refer to the electronic version of this law at:
http://www.mj.gov.tl/jornal/public/docs/2016/serie_1/SERIE_I_NO_18.pdf

⁹ Please refer to the electronic version of this law at:
http://www.mj.gov.tl/jornal/public/docs/2016/serie_1/SERIE_I_NO_26A.pdf

confusion with the implementation of the law. For example, Law No. 10/2016 in the introduction still refers to Law No. 15/2008 which was superseded by Law No. 12/2017. JSMP believes that amendments should be made to the former to include a reference to the law that is in force, because the law that has been revoked is no longer in force or no longer has any binding power.

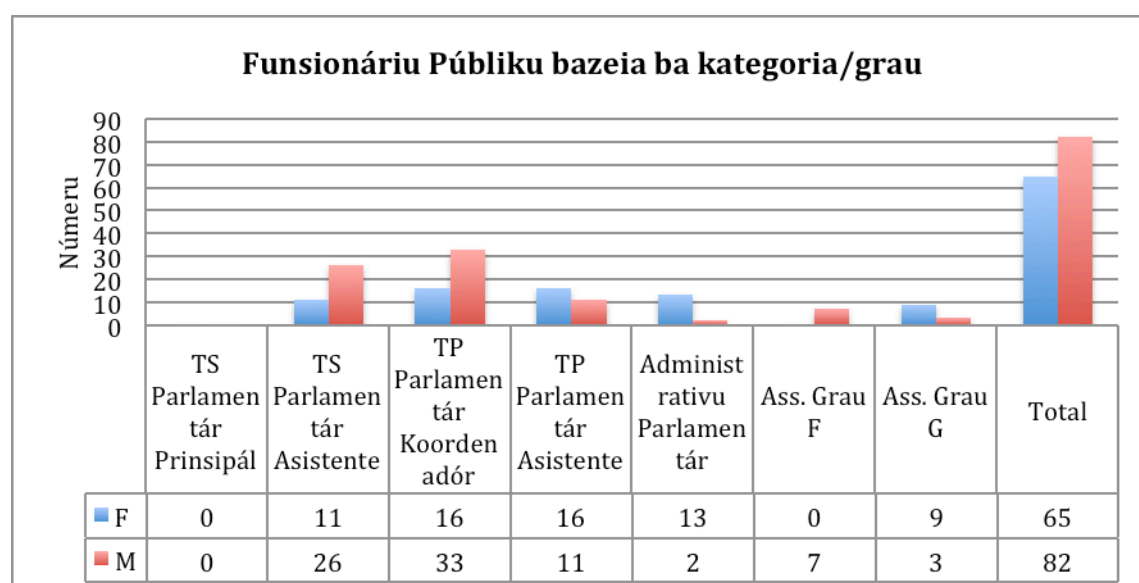
Human Resources

The National Parliament is like other public bodies and institutions, as it also needs human resources to provide support the work of management and public administration, especially to fill the positions provided in the structure set out in Article 5 of Law No. 12/2017.

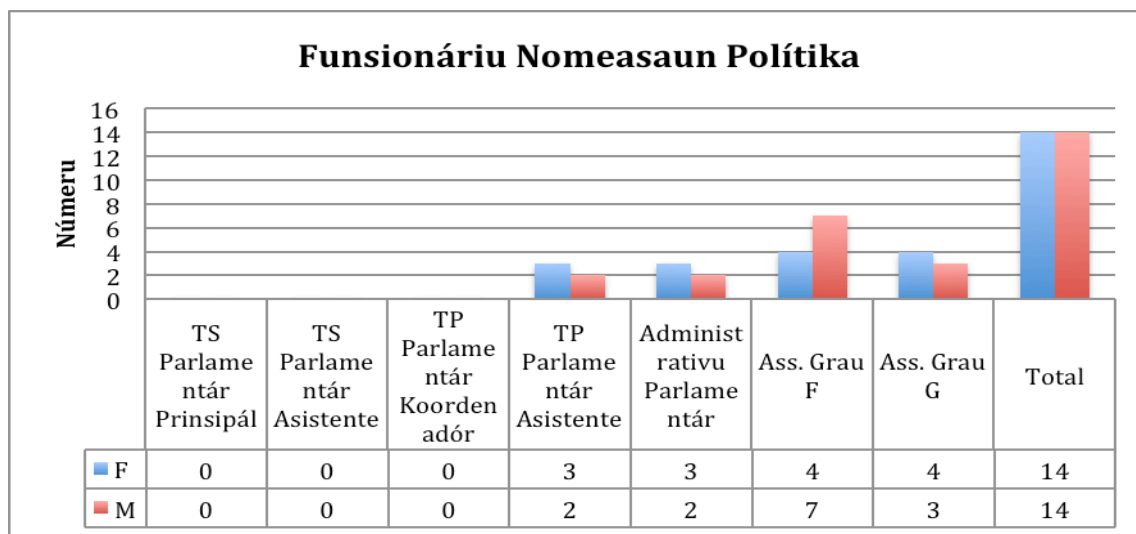
The human resources or the workforce of the Parliament include public servants and politically appointed staff. Public servants are permanent in nature and politically appointed staff are temporary in nature according to political changes and depend on the decisions made by political parties who appoint people to these positions.

Statistical data that JSMP obtained from the Secretariat of the National Parliament shows that the National Parliament does not yet have resources to fill the position of Chief Senior Parliamentary Official (*Tékniku Superiór (TS) Parlamentár Prinsipál*) in among the public servants as well as among politically appointed staff. There is a total of 175 staff, comprising 147 public servants and 28 politically appointed staff.

Graph 1

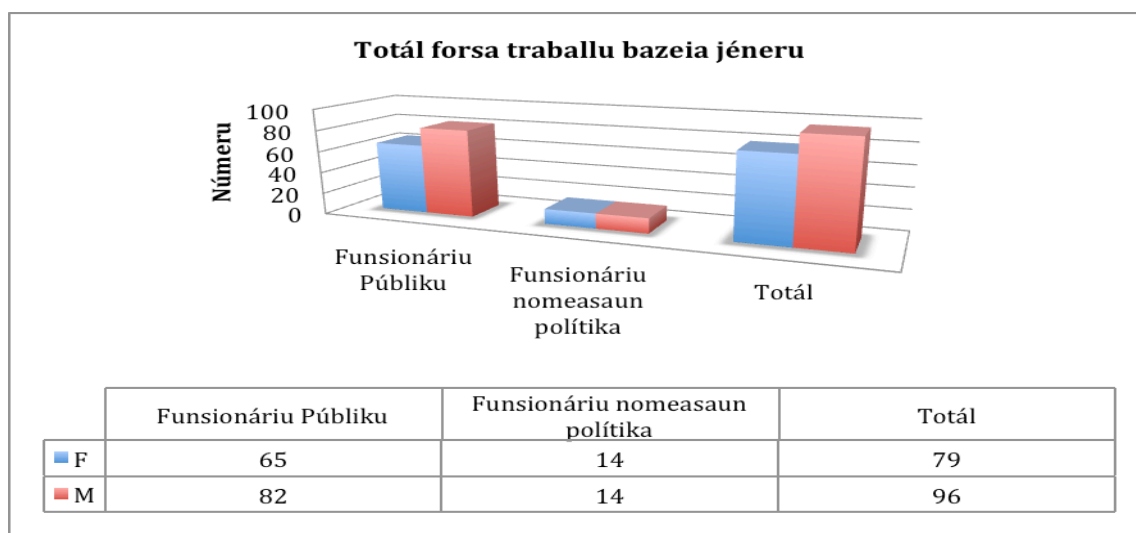


Graph 2



In terms of gender equality, JSMP notes that there is a positive balance between men and women. In relation to public servants, 42% are women and 55.78% are men. In relation to politically appointed staff, there is an equal number of women and men. In terms of all staff, 45% are women and 55% are men.

Graph 3



Work Spaces

In addition to human resources, work spaces are also important and contribute to the effective and efficient work and functioning of the National Parliament. For many years JSMP monitoring at the National Parliament has shown that members of parliament and

staff have not had sufficient and appropriate work spaces to ensure work of good quality. JSMP believes that it is important for the Secretary-General of the National Parliament to consider allocating funds to improve the work spaces available at the National Parliament in accordance with the competencies granted in Article 22. 2 (b) of Law No. 12/2017, when planning to build a new National Parliament, which will take a long time.

Punctuality and Impact on the Productivity of the National Parliament

Punctuality is the main requirement in all aspects of work, in both the public and private spheres. Punctuality is linked with performing work in accordance with the scheduled times, as set out in agreements, regulations or the law.

The timetable for the National Parliament relating to meetings of the plenary and the Specialised Standing Committees is provided for in Article 46.2 of Law No. 15/2009 amended by Law No. 1/2016 on the Parliamentary Regime. 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.

During monitoring carried out at the National Parliament for many years, JSMP has continued to note that the issue of punctuality is a serious concern that has been continually raised by JSMP through its press releases and annual reports. JSMP notes that the problem of punctuality continues to have a serious negative impact on the productivity of the National Parliament in terms of law making and political decision making in the national interest. When members of parliament are not punctual this impacts on the “quorum” in the plenary and committees and their ability to hold meetings and conduct deliberations.

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. Article 47.2 on deliberations of the plenary require the minimum attendance of one half (1/2) of effective members of parliament. This means that meetings of the plenary can only take place when at least 21 of 65 MPs are present and the plenary can only conduct deliberations when at least 33 of 65 MPs are present.

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

JSMP has observed that the punctuality of members of parliament sometimes changes and things go well when there is a change in the presidency of the National Parliament, but these changes do not last long. For example, there was a change during the presidency of His Excellency MP Aderito Hugo and His Excellency MP Arão Noe. This was because many members of parliament did not follow the guidance provided by the President of the Parliament.

The punctuality of the members of parliament was even worse during the period marked by the political impasse at the National Parliament.

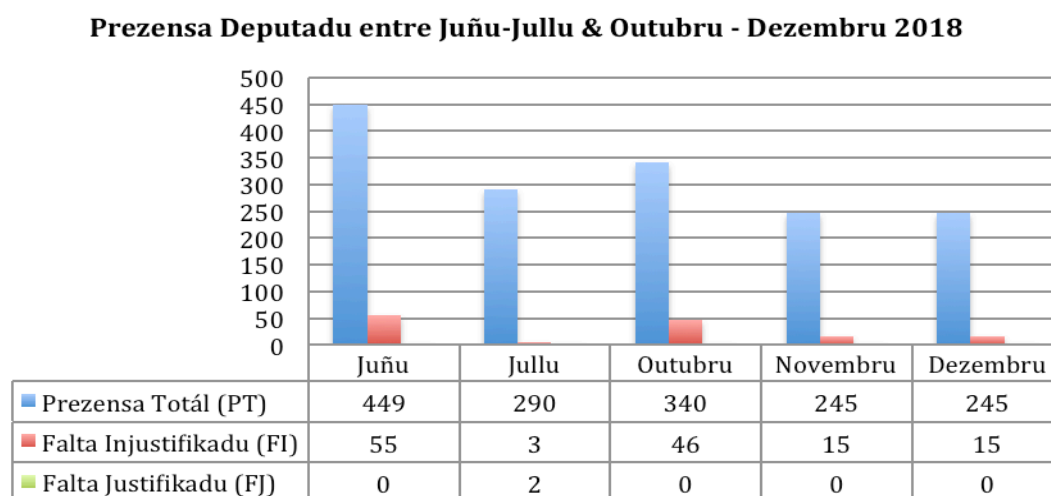
JSMP has made strong recommendations in its reports for the National Parliament to take action against members of parliament who do not adhere to the schedule, to provide a solution to this problem and to prevent other members of parliament from making the same mistake.

Attendance of the members of parliament in Plenary Meetings

JSMP's observations regarding the attendance of MPs in plenary meetings is only based on the statistics about the attendance of MPs from 13 June 2018 for the first meeting of the V Legislature and the swearing in of MPs of the V Legislature. Between 26 January – 12 June 2018 the National Parliament only functioned through a Standing Committee because the President of the Republic dissolved the parliament.

In the graph below JSMP has presented statistics on the attendance of MPs in the plenary, split into three categories, namely total attendance, unjustified absence and justified absence. JSMP obtained this data from the National Parliament through the Directorate of Parliamentary Support, Plenary Support Division. This graph does not include data for August and September because attendance was not recorded and only includes data for June - July and October - December 2018. Even so, there is enough data for these months to calculate and analyse the attendance of MPs in plenary meetings during 2018.

Graph 4



Based on the graph above the number of unjustified absences of MPs during the V Legislature continues to remain high just like previous legislatures, even though the IV Legislature had a higher number of unjustified absences (188) in July 2017¹⁰.

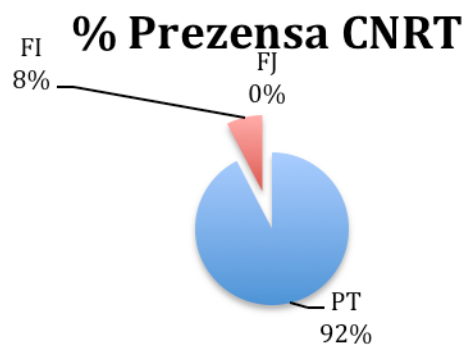
Also, based on this attendance data, between August and September 2018 the attendance of MPs was only recorded electronically, so there is no statistical data according to an attendance book.

In the graphs below JSMP has presented attendance in terms of percentages and absences according to the number of seats each bench has in parliament based on the data regarding MP attendance in plenary meetings.

The National Congress for Timorese Reconstruction (CNRT) party during the V Legislature had 21 seats and total attendance of 92% with 8% unjustified absences and 0% justified absences.

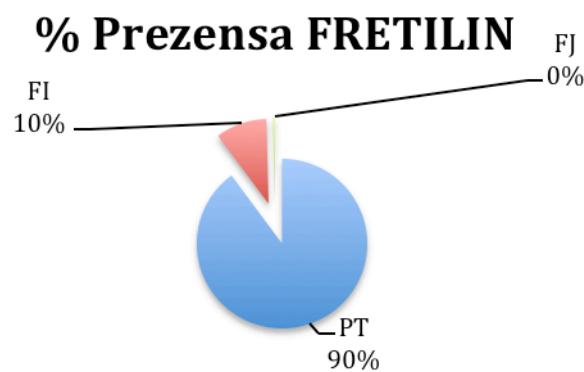
¹⁰ Complete information is available in the 2017 PWP Annual Report, P.11: http://jsmp.tl/wp-content/uploads/PWP_ANNUAL_REPORT_17.pdf

Graph 5



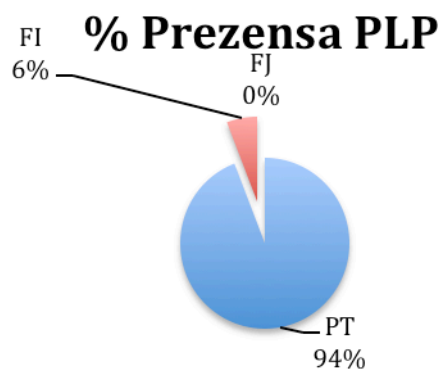
The Revolutionary Front for an Independent East Timor (Fretilin) party had 23 seats and a total attendance of 90%, 10% unjustified absences and 0% justified absences.

Graph 6



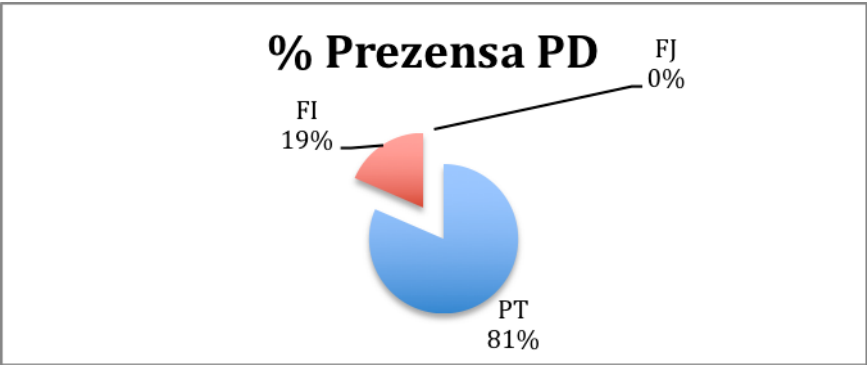
The People's Liberation Party (PLP) had 8 seats and total attendance of 94%, 6% unjustified absences and 0% justified absences.

Graph 7



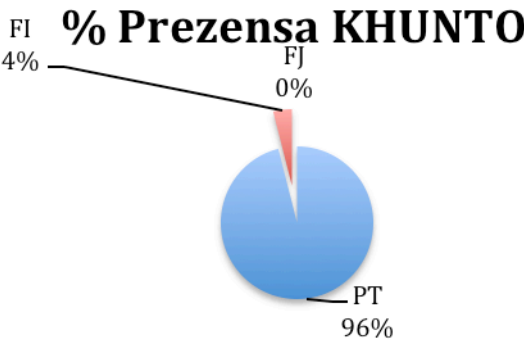
The Democratic Party (PD) had 5 seats and total attendance in the plenary of 81%, 19% unjustified absences and 0% justified absences.

Graph 8



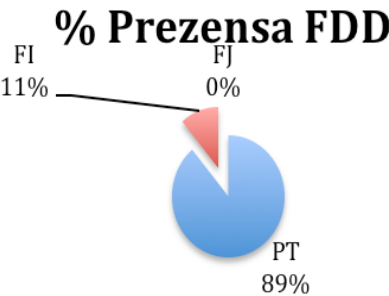
The Noble Advancement of Timorese National Unity (KHUNTO) Party had 5 seats and total attendance of 96%, 4% unjustified absences and 0% justified absences.

Graph 9



The Democractic Development Front Party had 1 seat and total attendance of 89%, 11% unjustified absences and 0% justified absences.

Graph 10



The Frente Mudansa (FM) Party and the Democratic Union had 1 seat and total attendance in the plenary of 100%, 0% unjustified absences and 0% justified absences.

Graph 11

% Prezensa UDT/FM

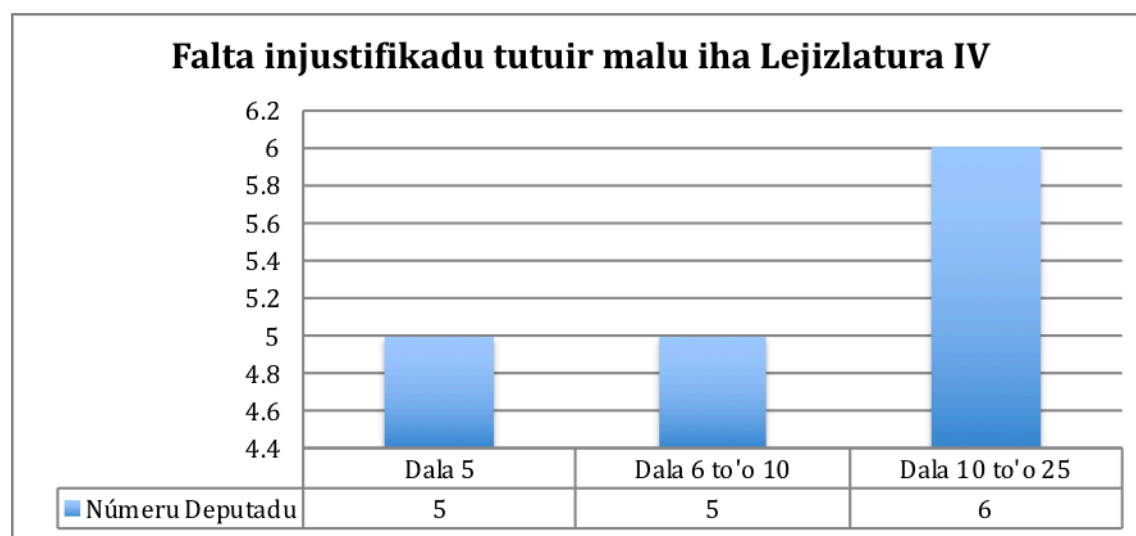


Based on data regarding the attendance of MPs in this graph, there was a very high percentage of MPs who experienced unjustified absences, especially those parties with a high number of seats, such as CNRT, Fretilin and PD. JSMP considers that these practices do not set a good example for the nation and for future generations.

The law is clear and detailed regarding the sanctions and mechanisms for imposing sanctions on members of parliament who were absent without justification for meetings of the plenary and the committees. Article 7.1 (a) of Law No. 15/2009 amended by Law No. 1/2016 about the disqualification of a member of parliament from holding office provides that a member of parliament will lose his/her mandate if he/she does not take his/her seat until the fifth plenary session without justification or is absent for five consecutive plenary sessions or is absent from fifteen non-consecutive plenary sessions without justification.

For the V Legislature, based on data JSMP obtained during the period covered in Graph 4 on the attendance of MPs, there was only 1 consecutive absence for MPs in comparison with the IV Legislature where there was a high number of MPs with consecutive absences and a high number of absences as shown in Graph 11.

Graph 12



Based on data obtained from JSMP, during the IV Legislature some MPs had more than 20 consecutive absences and when counted together with non-consecutive absences, many MPs had 15 or more absences. Even though many MPs violated the National Parliamentary Rules of Procedure, no sanctions have been applied by the National Parliament against these members of parliament, not even in the form of disciplinary action.

Based on JSMP's observations, members of parliament who have violated the provisions of Article 7.1 (a) of Law No. 15/2009 which was amended by Law No. 1/2016 on the disqualification of members of parliament from holding office on loss of mandate, the aforementioned members of parliament should have automatically lost their mandate as an MP, but unfortunately this did not happen at that time. Practices like this do not only set bad precedents and poor examples for the future, but what is worse is that the members of parliament lose their moral authority and political legitimacy to oversee and supervise other public institutions because the MPs themselves do not abide by their obligations set out in the law.

In its annual reports JSMP always highlights and recommends for the National Parliament to at the very least take disciplinary action against members of parliament who do not adhere to their obligations in accordance with the law. When the National Parliament applies sanctions against MPs who do not adhere to their obligations, this will ensure the functioning of the National Parliament so it can exercise its constitutional powers properly and effectively and will avoid setting bad precedents for the future.

Plenary Meetings

The plenary is a forum that allows the National Parliament to exercise its constitutional powers, especially to make laws and political decision making. Article 13 of Law No. 12/2017 states that the plenary has also powers to adopt the National Parliament's annual budget and amending budgets, budget report and accounts and multiannual strategic plan. The plenary has also powers to appraise the annual report of the National Parliament's Board and the internal audit report on the parliament's accounts.

JSMP has conducted regular monitoring of plenary meetings of the National Parliament to directly witness the functioning of the National Parliament according to the Constitution and the law. Based on data that JSMP obtained from the Secretariat of the

National Parliament, according to the agenda the National Parliament had a total of 63 plenary meetings.¹¹ From the total number of meetings mentioned in the agenda, in 2018 JSMP monitored 42 plenary meetings of the National Parliament.

The activities carried out by the National Parliament in plenary meetings at the outset of the IV Legislature were discussing and approving the rectification budget, discussion and appraisal of the VIII Government Program, discussion and approval of the 2018 State Budget, discussion and approval of the 2019 State Budget including the approval of resolutions and other activities.

Also, JSMP noted that the Standing Committee established during the six month period after the President dissolved the National Parliament on 26 January 2018 did not function because the members of this committee were not active.

Meetings of Committee A

Committee A is a Specialised Standing Committee that deals with issues of constitutionality and justice. The competencies of the Specialised Standing Committees are set out in Article 35 of Law No. 15/2009 amended by Law No. 1/2016. These competencies are discussing and issuing opinions on the bills and the draft laws, proposals for alteration and treaties submitted to Parliament, appraising the petitions submitted to Parliament, keeping informed about political and administrative problems which are within their scope and provide Parliament, when it considers it convenient, with the necessary data for the appraisal of the acts of Government, holding public consultations with civil society and summoning any members of Public Administration bodies to provide information on matters related to their areas of competence.

In addition to regular monitoring of plenary meetings, JSMP also conducted regular monitoring of Committee A meetings. In 2018, Committee A scheduled 35 meetings¹² including 3 supervisory activities of Committee A. JSMP managed to monitor 14 meetings and supervisory activities of Committee A.

Productivity

The productivity of National Parliament in terms of law making during the V Legislature was somewhat positive in comparison with the IV Legislature in 2017. In

¹¹ Please refer to the parliament website: <https://www.parlamento.tl/node/405>

¹² Please refer to the parliament website: <https://www.parlamento.tl/node/412>





2018 the National Parliament managed to produce 4 laws¹³ and 19 resolutions despite the political impasse having a massive impact on the functioning of the National Parliament and during the six month period that the National Parliament was dissolved.¹⁴

The laws and resolutions produced by the National Parliament were published in the Official Gazette,¹⁵ namely 2 laws and 15 resolutions. The other pieces of legislation that have not been published yet are still being promulgated or vetoed by the President in accordance with his competence as the Chief of State of the Democratic Republic of Timor-Leste, and 4 resolutions cancelling overseas visits by the President were not authorised for publication in the Official Gazette.

The level of participation of MPs in this legislature was high in comparison with previous legislatures. The average level of participation of MPs in the discussion and approval of these 4 draft laws was 90%. The level of participation relating to the 2 Laws on the State Budget was 100%, and there was 96% participation in the Law on an Exceptional Authorization Regarding Transfers from the Petroleum Fund and 65% participation in the amendment of Law No. 13/2005.

JSMP observed that the MPs from AMP and the opposition fully participated in the discussion of main agenda items and voted on these laws.

Graph 13 The participation of MPs in the legislative process

Projetu no Proposta Lei Aprovadu iha 2018								
	Totál deputadu							
	0	10	20	30	40	50	60	70
		Totál deputadu	Afavór	Kontra	Abstensaun			
 Alterasaun ba Lei Nú.13/2005 kona-ba Atividade Petrolifera	42	41	1	0				
 Lei Orsamentu Jerál Estadu 2019	65	40	25	0				
 Lei Orsamentu Jerál Estadu 2018	65	42	9	14				
 Lei Autorizasaun Extraordinária ba Realizasaun Transferénsia Fundu Petroliferu	63	35	25	3				

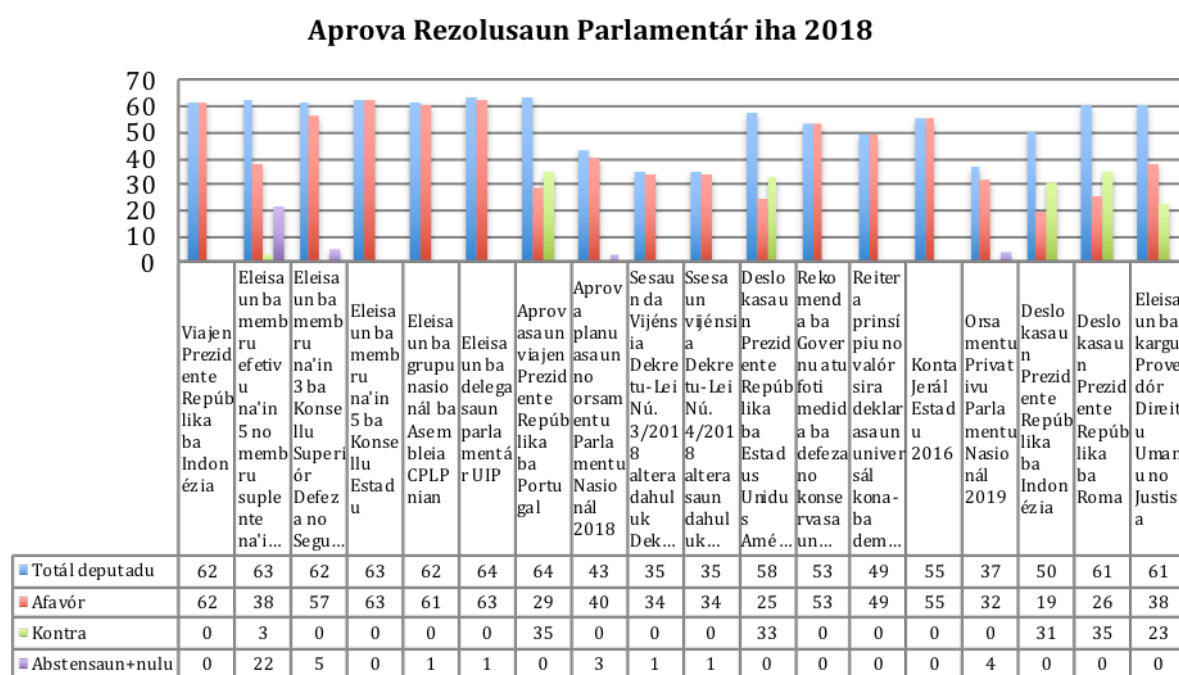
¹³ Please refer to the Official Gazette: <http://www.mj.gov.tl/jornal/?q=node/12>

¹⁴ JSMP obtained this data from the Technical Secretariat of the National Parliament

¹⁵ Please refer to the Official Gazette at: <http://www.mj.gov.tl/jornal/?q=node/19>

As discussed above, members of parliament not only have the competence to make laws, but also political decision making. Political decision making by the National Parliament was in the form of parliamentary resolutions. The participation of MPs in political decision making dropped a little to 83% in comparison with the participation of MPs in making laws, which was 90%. However, in comparison with previous legislatures, the level of participation of MPs during the V Legislature saw a dramatic increase in percentage terms.

Graph 15 The participation of MPs in political decision making



Based on JSMP's observation, some MPs did not place much importance on the discussion and approval of resolutions, even though this is the constitutional competence of the National Parliament. JSMP believes that the National Parliament needs to give equal importance to its constitutional competence to make laws, supervisory activities and political decision making, as provided for in Article 92 of the Timor-Leste Constitution.

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 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 V Legislature the National Parliament established 7 Specialised Standing Committees dealing with issues grouped under thematic areas. These Specialised Committees were Committee A, that deals with Constitutional Issues and Justice and has 11 members, Committee B, that deals with Foreign Affairs, Defence and Security and has 9 members, Committee C, that deals with Public Finance and has 11 members, Committee D, that deals with Economic Issues and Development and has 10 members, Committee E, that deals with Infrastructure and has 9 members, Committee F, that deals with Education, Health and Social Issues and has 9 members, and 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 2018 the Specialised Standing Committee that had the greatest responsibility and work load was Committee C that had the competence to monitor Budget and Public Finance policies including the annual State Budget, the Execution of the State Budget Account and appraisal of reports from the High Administrative, Tax and Audit Court, Oil and Gas Revenue, Non-Oil Revenue as well as monitoring public acts.

Next, the main work of Committee A that deals with Constitutional Issues and Justice is to hold public consultations with State entities on the proposed 2018 and 2019 State Budgets, appraisal of notifications from the court on removing the immunity of members of parliament, appraisal of petitions from relevant entities, receiving

complaints from communities and others to be forwarded to ministries or relevant bodies for action.

JSMP praises the work of Committee C despite its limited resources, and in just a short period of six months (between June and December 2018) this Committee managed to produce 3 opinions to produce three important laws. This Committee has 13 members representing the parliamentary benches and is supported by 2 national technical staff and 1 international advisor.

Similar to previous years, JSMP regularly observed the activities of Committee A in the National Parliament between June and December 2018. During its observations JSMP noted that Committee A was not productive, even though many agenda items were scheduled. Members of parliament often did not appear to discuss issues scheduled by the Committee. This impacted on the activities of the Committee and it did not follow the plans and agenda items that were scheduled, thus agenda items were continuously delayed and re-scheduled.

Also during that period JSMP noted that important agenda items regarding the discussion of draft laws allocated by the Chair to the Committee were left pending, especially the discussion and appraisal of the Law Against Corruption. JSMP also noted that the appraisal of a report on the monitoring activities of Committee A in Oecusse is still pending and no discussion and appraisal has taken place to make a presentation to the plenary of the National Parliament, even though this report has now expired.

Also, data provided by the parliamentary technical team shows that the activities carried out by the other standing committees during the period between June and December 2018 were quite limited. This is particularly the case regarding legislative work, as no draft laws were allocated by the Chair of the National Parliament to these Specialised Committees and the Committees only carried out monitoring in the community.

For many years JSMP has observed that the legislative work of the Committees has been hampered because the National Parliament has had no 5 year legislative program. The National Parliament did not have a fixed legislative program to guide their work, especially regarding issues falling within the exclusive competence of the National Parliament. This has often led to the National Parliament depending on draft laws and other initiatives from the Government.

Ad Hoc Committees

In the exercise of its competencies the National Parliament is not only supported by the Specialised Standing Committees, but also by Ad Hoc Committees as set out in Article 26 (1) of Law No. 15/2009 amended by Law No. 1/2016. These Ad Hoc Committees are temporary in nature and finish when their task has been concluded or when their time limit has been reached and/or when the legislative session is over, as set out in Article 26.5 (a) - (c) of Law No. 15/2009 amended by Law No. 1/2016. When the legislative session is over or when the time limit has been reached, but the Committee has not completed its work or task, the National Parliament can decide to extend the time to allow the Committee to conclude its work, as set out Article 26.5 (c) and (6) of the aforementioned law.

The Ad Hoc Committees are established with a given purpose as set out in Article 36 (1) comprising a minimum of 10 MPs or constituted by the parliamentary benches, as set out in Article 36 (2) of Law No. 15/2009 amended by Law No. 1/2016. The Ad Hoc Committees are the same as the Specialised Standing Committees, and the law grants them competence to carry out their tasks and to appraise matters relating to the object of their constitution, and to present reports and opinions to the plenary within time limits determined by the National Parliament pursuant to Article 37 of law No. 15/2009 amended by Law No. 1/2016.

During the period covered by this report, based on a request from the opposition party Fretilin, the National Parliament established a parliamentary Ad Hoc Committee of Inquiry to monitor the process of paying State debts for 142 projects. This Committee was made up of 10 MPs representing all of the Parliamentary Benches with seats in the National Parliament.

This Committee managed to carry out its tasks, but the report of the committee was not discussed by the National Parliament for appraisal and approval. Based on information obtained from the plenary, when MPs from the opposition bench raised this issue MPs from the AMP coalition did not want to engage in discussion to approve this report.

This Ad Hoc Committee was formally established by the National Parliament with MPs from all of the parliamentary benches. This means that the benches from the AMP coalition were also part of this Committee, so there is no reason for the AMP coalition to

reject this report. When this occurs, it shows that the National Parliament does not place any value and actually discredits the work of a Committee that was established by the parliament itself. This has not shown that the MPs from the AMP coalition have political integrity, when a report undermines their interests.

Standing Committee

In addition to the Specialised Standing Committees and Ad Hoc Committees, the law of the National Parliament also establishes a Standing Committee. The functioning, composition and competencies of this Standing Committee are set out in Chapter IV, Article 102 of the Timor-Leste Constitution and Chapter III, Articles 38, 39 and 40 of Law No. 15/2009 amended by Law No. 1/2016.

The Standing Committee normally functions in two instances, when the National Parliament has been dissolved or in recession as set out in Article 102 (1) of the Timor-Leste Constitution and Article 38 of Law No. 15/2009 amended by Law No. 1/2016.

The composition of this Standing Committee differs from the Specialised Standing Committees and Ad Hoc Committees. This Standing Permanent comprises the President of the National Parliament, Vice President of the National Parliament and members of parliament designated by the political parties sitting in the parliament as set out in Article 102 (2) of the Timor-Leste Constitution and Article 39 of Law No. 15/2009 amended by Law No. 1/2016.

The Constitution and the law grant significant competencies to this Committee to carry out its work. This Committee has the competence to monitor the activities of the Government, coordinate the activities of the Committees of the National Parliament, to take steps for the convening of Parliament whenever deemed necessary, to prepare and organize sessions of the National Parliament, to give its consent regarding trips by the President, to lead relations between the National Parliament and similar parliaments and institutions of other countries. This Committee also has the competence to authorise the declaration of the state of siege or the state of emergency, authorise the declaration of war and the making of peace, to exercise powers of the National Parliament relating to the mandate of MPs, to prepare the opening of the plenary session, to coordinate the functioning of the Committees during the time when the legislative assembly is suspended and when necessary oversee the work of the Committees. Also, this

Committee has the competence to decide on complaints regarding inaccuracies in the wording of the final text of the parliamentary decrees and resolutions.

During 2018, after the dissolution of the National Parliament on 26 January 2018 by the President, the National Parliament only functioned through the Standing Committee. Based on JSMP's daily observations of the National Parliament during this five month period between 26 January and 13 June 2018, or up until the new MPs were sworn in, the Standing Committee did not function and did not meet its obligations and carry out its competencies set out in the Constitution and the law.

Ratification and accession to International Treaties and Conventions

The legal system of Timor-Leste shall adopt the general or customary principles of international law. This means that treaties, conventions and international agreements shall apply in the internal legal system of Timor-Leste following their approval, ratification or accession by the respective competent organs, and in this case the National Parliament and after publication in the Official Gazette as set out in Article 9 (1) and (2) of the Timor-Leste Constitution.

The competence of the National Parliament to approve and denounce agreements and ratify international treaties and conventions is set out in Article 95.3 (f) of the Timor-Leste Constitution and Article 131.1 of Law No. 15/2009 amended by Law No. 1/2016. This ratification is exercised by way of Parliamentary Resolution as set out in Article 133 (2) with a global vote in the plenary pursuant to Article 132 of Law No. 15/2009 amended by Law No. 1/2016. After approval, the resolution is sent to the President of the Republic for promulgation as provided for in Article 85 (a) of the Timor-Leste Constitution and Article 133.1 of Law No. 15/2009 amended by Law No. 1/2016 and published in the Official Gazette.¹⁶

In 2018 the National Parliament ratified Timor-Leste's accession to 2 international treaties¹⁷ and no conventions were ratified.

¹⁶ Please refer to the Official Gazette: <http://www.mj.gov.tl/jornal/>

¹⁷ Complete information is available in the tables provided in the annexes

Critical Observations of Political Developments

In this chapter JSMP will provide its thoughts and observations about political developments during the 2018 period that was a continuation of the political situation of 2017 that has been generally referred to as the “political impasse”. The political impasse has led to a number of precedents in 2017 and 2018. These precedents included the dissolution of the National Parliament, early elections, rejection of the list of candidates for members of government and rejection of overseas trips by the President of the Republic. This situation had a serious impact on the functioning of State institutions and established bad precedents for the future.

Political impasse

After restoring its independence on 20 May 2002 Timor-Leste then faced a political situation that could be considered extraordinary in the political history of Timor-Leste. This “political impasse” that lasted nearly two years had a massive impact on the functioning of the State in all sectors. However, this situation was also a benchmark to assess the level of maturity and wisdom of the people and political leaders to deal with the fragile and sensitive political situation in a proper manner without endangering or seriously undermining the nation.

This political impasse started immediately after the general parliamentary elections in July 2017 and resulted in the dissolution of the National Parliament on 26 January 2018 and early elections on 12 May 2018. This political situation seriously affected the functioning of the State as well as the socio-economic sector in general. This “political impasse” occurred simply because there was no political understanding between the parties controlling the Government and the opposition parties.

Dissolution of the National Parliament

The rejection of the government program and the rectification budget, vote of no confidence and request to dismiss the President of the National Parliament resulted in a serious institutional crisis at the end of 2017. This situation impeded the National Parliament from discussing and approving the 2018 State Budget. Therefore, after consulting with relevant State institutions, the President exercised his constitutional competence pursuant to Article 86 (f) of the Timor-Leste Constitution to dissolve the National Parliament and declare early elections on 26 January 2018 via Presidential

Decree No. 5/2018¹⁸. The dissolution of the National Parliament was the ‘final recourse’ taken by the President to find a solution to this political impasse.

Article 86 (f) of the Timor-Leste Constitution sets out the requirements or grounds for dissolving the National Parliament. The fundamental requirement is that there needs to be a serious institutional crisis resulting in one of two outcomes; preventing the formation of a government or preventing the approval of the State Budget lasting more than sixty (60) days.

The political impasse meant that the National Parliament could not approve the rectification budget to ensure the functioning of the VII Government its ability to pay the debts of the previous Government. The VII Government was also not able to manage State administration properly because there was no State budget and the Government is only able to present the State budget when its program is approved. The VII Government has not been able to present its program to the National Parliament since the National Parliament decided not to approve the program presented in the initial phase.

In light of this political situation, JSMP recommended¹⁹ for the President of the Republic that he didn’t have to necessarily invite the second most voted political party to form the government as occurred in 2007. JSMP also believes that it was not necessary to wait six (6) months to dissolve the Parliament as set out in Article 100 of the Timor-Leste Constitution, because this situation could be categorised as a serious institutional crisis. The National Parliament did not approve the Government program, so the government could not present the 2018 State Budget to the National Parliament and the National Parliament could not discuss and approve the State Budget for more than sixty (60) days or two months. This delay has had a huge impact on the functioning of the State and the process has not adhered to the Constitution.

JSMP recommended for the President to use his constitutional competence prudently to make a fair and viable decision based on the Constitution by dissolving the National Parliament and exploring possible options to end the political impasse at the National

¹⁸ This decree has not yet been published in electronic form in the Official Gazette. JSMP obtained information about this decree from the electronic newspaper “Diário de Notícia”: <https://www.dn.pt/lusa/interior/presidente-timorense-assina-decreto-de-dissolucao-do-parlamento-nacional-9076065.html>

¹⁹ Press Release on the political impasse and possible solutions provided in the Constitution: http://jsmp.tl/wp-content/uploads/PrWPWKompetensia-PrezidentebaEmpasePolitiku_TETUM.pdf

Parliament. This decision would avoid Timor-Leste entering into an unforeseeable and never ending vicious circle.²⁰ Even though there is no evidence that the President of the Republic made this decision as the result of JSMP's opinion, in the end the President of the Republic dissolved the National Parliament and declared early elections.

However, that did not resolve the situation. A range of debates and interpretations about the decision of the President of the Republic to dissolve the National Parliament continued with those for and against this decision. These debates specifically related to the nature of the Government and the National Parliament after the dissolution and speculation about the dismissal of the President.

In February 2018 JSMP submitted an opinion²¹ with the aim of clarifying public interpretation relating to confusion that was not contributing to conducive and stable political developments, and this public confusion was only posing a potential risk to national stability.

JSMP believes that these various debates and interpretations regarding the Timor-Leste Constitution occurred because Timor-Leste has not yet introduced guidelines on a uniform and standardised interpretation. Even though an annotated Constitution exists, the annotated Constitution does not provide a clear and detailed interpretation that could serve as a guideline. JSMP believes that it is necessary to develop an official guideline on how to interpret the Timor-Leste Constitution, so a uniform and standardised interpretation exists to provide guidance to everyone when dealing with issues of constitutionality.

Early Elections

Since the restoration of independence on 20 May 2002, this is the first time that early elections have occurred in the history of Timor-Leste democracy. The use of the term 'early elections' led to public confusion that these early elections are not the same as normal general elections and no specific law exists for this type of election. JSMP tried to clarify that these early elections are general elections to the Parliament that took place outside the normal period or before a legislature mandate of five years has expired.

²⁰ Please refer to detailed information about JSMP thoughts and recommendations in a press release about the political impasse and possible solutions provided in the Constitution: http://jsmp.tl/wp-content/uploads/PrPWPKompetensia-PrezidentebaEmpasePolitiku_TETUM.pdf

²¹ This opinion was entitled "Dissolution of the National Parliament and the effect on the political legitimacy of the current Government": <http://jsmp.tl/wp-content/uploads/2018/02/Disolusaun-Parlamentu-Nasional-versaun-ikus.pdf>

Therefore, the law that regulates these elections is the law on General Elections to the National Parliament, and it is not necessary to create a new law. Also, JSMP, the Asia Forum and the HAK Association released a press release recommending for these political parties to compete in the elections to ensure that the elections are free and fair.²²

The President of the Republic has the competence to set the date of the general elections pursuant to Article 86 c) of the Timor-Leste Constitution. Therefore, the President of the Republic, Francisco Guterres Lu'Olo, via Presidential Decree No. 7/2018 on 7 February 2018 set the 12th May 2018 as the date of the election of members of the National Parliament.

Despite the political situation that existed from 2017 to 2018, and the serious and complex political tensions between MPs from the AMP coalition and MPs from the PD and Fretilin coalition, particularly before and after the early elections, the people and politicians of Timor-Leste proved their political maturity by overcoming these challenges. This was linked to the ability of the political leaders to manage their differences and political tensions to avoid having another crisis like 2006 and 2007. The results of the early general elections in 2018 were released by the Court of Appeal on 28 May 2018.

The Alliance of Change for Progress (AMP) coalition achieved victory in these elections, which is comprised of the National Congress for Timorese Reconstruction (CNRT) party, People's Liberation Party (PLP) and Noble Advancement of Timorese National Unity Party (KHUNTO). The AMP coalition won with an absolute majority of 49.6% of votes which resulted in 34 seats in parliament. The Revolutionary Front for an Independent East Timor (Fretilin) party obtained the second highest number of votes with 34.2% which resulted in 23 seats in parliament. The Democratic Party achieved 8.1% which resulted in 5 seats in parliament and the Democratic Development Front (FDD) coalition achieved 5.5% which resulted in 3 seats in parliament.²³ From those political parties and coalitions that competed in the early general elections 4 parties or coalitions achieved the 4% threshold and 4 did not.

²² Complete information about the press release is available at: http://jsmp.tl/wp-content/uploads/2018/05/PressStatementimor-Leste-Clean_TETUM.pdf

²³ Data was obtained from the official website of the National Electoral Commission (CNE): <http://www.cne.tl/apuramento.2018/public.php>

JSMP congratulated AMP on its victory via a press release on 28 May 2018 and considered the AMP victory to be a victory for the people of Timor-Leste. JSMP asked for all parties, especially the AMP coalition, to uphold their electoral and political commitments that they made during political rallies and electoral campaigns. These commitments were to resolve problems relating to clean water, basic infrastructure, health and education, the strengthening of justice institutions, good governance, administrative decentralization and approval of the Draft Law Against Corruption and other long term electoral promises.²⁴

Observations of the Early General Elections

To ensure that the electoral process was conducted in a transparent, impartial, credible, fair and accountable manner, and specifically in accordance with constitutional and legal requirements, on 9 May 2018 JSMP sent its observers to several municipalities to observe this election process. JSMP conducted monitoring in the municipalities of Aileu, Dili, Ermera, Liquica and Covalima.²⁵ JSMP observed 16 Voting Centres and 21 Voting Stations in these five municipalities.

JSMP monitoring showed that the early general elections were carried out in a smooth, transparent, independent and accountable manner, although there were some technical issues relating to voting preparations and some small irregularities that occurred in some of the voting centres and stations.

JSMP discovered the following technical issues and irregularities:

1) The Becora Prison voting station, in Cristo Rei Administrative Post, Dili Municipality, only opened at 8am and voting started at 09:30 am. According to the rules, voting centres and stations open at 06:00am and voting starts at 07:00am. In addition, the voting booths were too close to each other and some voters could see each other and spoke to each other and the officials did not pay attention to this.

²⁴ Complete information about this press release is available at: http://jsmp.tl/wp-content/uploads/2018/05/PrJSMPKongratulaAMPELeisaunAntesipadaPWPW_TETUM-1.pdf

²⁵ Information about the allocation of JSMP observers to the municipalities is available in the following press release: <http://jsmp.tl/wp-content/uploads/2018/05/JSMP-formalmente-halo-serem%C3%B3nia-deskolasaun-observad%C3%B3r-sira-ba-munis%C3%ADpiu-selesionadu-sira-atu-halo-observasaun-ba-Eleisaun-Antesipada-2018.pdf>

JSMP recommends that in the future, STAE staff should prepare the voting centres in advance so that voting centres, voting stations and the voting process adhere to the existing regulations. In addition, appropriate voting locations need to be selected to accommodate the voting booths and prevent voters from communicating with each other when voting and should ensure that voters can't take anything into the voting booths. This will prevent voters from taking things like oil or glue or other things that can be used to manipulate the voting process.

2) At the Guido Valadares National Hospital (HNGV), the voting station opened at 07:30am and voting started immediately. The ballot boxes were opened at the voting centre and then they were taken to the Guido Valadares National Hospital voting station which meant there was a major risk of manipulation occurring on the way.

JSMP recommends that in the future STAE staff should be prepared and waiting at each voting station so that the stations and voting can be opened on time and the ballot boxes should be opened at each station to avoid any manipulation occurring on the way when the ballot boxes are opened at the voting centre.

3) At the I E.S. voting centre No. 1 in Liquica, Liquica Administrative Post, Liquica Municipality, a voter put pipe glue on his index finger that is marked in ink after voting. The STAE official caught him and handed the voter over to PNTL for investigation. At the Maumeta Village Voting Centre, Bazartete Administrative Post, Liquica Municipality a voter put oil on his index finger when he went to vote. The purpose of the oil was to stop the ink from staining his finger so it would be easy to wash off and then he could vote again.

4) JSMP recommended that when voters are ready to vote and ink is placed on their finger the STAE official who is supervising the ink should hold the voters finger and place it in the ink or conduct a check before placing the finger in the ink, so that any manipulation can be immediately detected.

In addition to technical issues and irregularities, JSMP also observed that:

a) At the Guido Valadares National Hospital voting centre the number of patients who didn't vote was very high in comparison with those who actually voted. 239 voted and 559 did not vote and there were 145 family members who did not vote.

Therefore 704 voters who did not vote at the Guido Valadares National Hospital voting centre simply because their names were not on the list.

To ensure every person's right to vote and exercise their political rights by participating in elections, in particular patients and their family members who are in hospitals, JSMP recommends that an exception should be made regarding the requirement for prior registration.

This is because some patients and family members arrived after the registration period had finished and therefore their name was not on the voters list, and therefore they lost their right to vote. In order to vote, patients and their family members only need to show their electoral card or other personal identifying document in accordance with the law.

- b) Some political party observers were illiterate and gave inaccurate information which created confusion during municipal tabulation. This occurred during the tabulation in Ermera Municipality. JSMP recommends for political parties to appoint observers who are literate to avoid creating confusion which could have a serious impact on the electoral process.
- c) At the E.P. voting centre No. 5 Comoro, Dom Aleixo Administrative Post, STAE officials replaced a ballot box without making an announcement or did not inform the observers. JSMP recommends for the Government, particularly those institution responsible for elections such as STAE and CNE to provide proper and appropriate training to STAE and CNE staff and political party observers, including national observers, to ensure that the election process runs smoothly and to prevent manipulation or irregularities.
- d) There was a high number of null and blank votes, particularly in Ermera Municipality.

JSMP recommends for STAE to establish a good method for raising awareness on how to vote or puncture the voter paper, to avoid large numbers of null and blank votes.

JSMP appreciates the work of the Government to organize this election properly and successfully, especially STAE and CNE. JSMP also really appreciates the maturity of the people of Timor-Leste in exercising their political rights and deciding to end the protracted political impasse in a stable and peaceful manner. All East Timorese people should be very proud.

Our success and ability to overcome political situations peacefully and calmly sets a good example for other countries around the world.

Observers included JSMP staff and volunteers. There were 23 observers comprising 8 JSMP staff members and 15 university students.²⁶

VIII Constitutional Government and Rejection of some candidates on the List of Members of Government

The formation of the Government starts with the swearing in or appointment of the Prime Minister and Government by the President of the Republic as set out in Article 86 h) and Article 106 of the Timor-Leste Constitution. In line with this competency the President of the Republic, Francisco Guterres Lu'Olo, appointed the Prime Minister via Presidential Decree No. 18/2018²⁷ and the members of the VIII Constitutional Government on 22 June 2018. The appointment of the members of Government did not all happen at once, but based on groupings. There were 29 members of government in the first group who were sworn in together with the Prime Minister, comprising 12 Ministers, 7 Vice-Ministers and 10 Secretaries of State.²⁸ Based on this list the first group of members of Government contained 5 women. Two were appointed as Ministers, 2 as Vice-Ministers and 1 Secretary of State. The appointment of the second group of members of Government took place on 9 July 2018 with 3 members.²⁹ There were 41 members of Government according to the list of the Alliance of Change for Progress (AMP) coalition.

According to JSMP observations the appointment of members of the VIII Government did not happen all at once because some members were not present at the swearing in ceremony and the President of the Republic rejected the swearing in or appointment of some members. There were 11 candidates for the position of member of Government who were rejected by the President of the Republic. Some of the candidates on the list for members of Government were rejected by the President of the Republic on the grounds that they are involved in judicial matters and they need to face judicial proceedings. In relation to this issue, JSMP also submitted its opinion and analysis via a

²⁶ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/2018/05/PrJSMPKongratulaAMPELeisaunAntesipadaPWPW_TETUM-1.pdf

²⁷ Please refer to this decree at: http://www.mj.gov.tl/jornal/public/docs/2018/serie_1/SERIE_I_NO_25.pdf

²⁸ Complete information about this decree is available at: http://www.mj.gov.tl/jornal/public/docs/2018/serie_1/SERIE_I_NO_25_A.pdf

²⁹ Complete information about this decree is available at:

press release on 28 June 2018.³⁰ JSMP believes that to promote good governance, civil servants are needed, and they must not be subject to any criminal allegations to ensure the credibility and integrity of State institutions. It is also important that this decision needs to ensure the principle regarding the presumption of innocence protected by international and national laws.

Cancellation of overseas trips by the President of the Republic

The decision of the President of the Republic to reject the appointment of 11 members of Government led to a “counter-productive policy” or in other words “a policy of revenge” by the AMP coalition who rejected the President of the Republic making overseas trips, claiming that the national interest required the resolution of internal issues before travelling overseas.

The National Parliament through the AMP coalition rejected the President of the Republic making overseas trips on 4 consecutive occasions. The National Parliament on 9 July 2019 prepared Draft Resolution No. 7/V/1 to decide on the visit of the President of the Republic to Portugal, with a vote on the same day whereby the Parliament rejected this trip.³¹ On 7 September 2018 the National Parliament prepared Draft Resolution No. 11/V/1 on a visit by the President of the Republic to the United States, and Draft Resolution No. 16/V/1 on a visit by the President of the Republic to Indonesia, and Draft Resolution No. 17/V/1 on a visit by the President of the Republic to the Vatican, in Rome. On 18 September 2018 the National Parliament voted and via an absolute majority rejected the visit of the President of the Republic to the United States. On 23 October 2018 the National Parliament via a simple majority rejected a visit of the President of the Republic to Indonesia.³² The National Parliament on 5 November 2018 via an absolute majority rejected a visit by the President of the Republic to the Vatican,

³⁰ Please refer to more complete information in the following press release: http://jsmp.tl/wp-content/uploads/Governu-Konstitusion%C3%A1l-VIII-tenke-aseguraGovernasaundiak_TETUM.pdf

³¹ In this vote 29 MPs voted in favor, 34 voted against and there were no abstentions from a total of 64 MPs.

³² In this vote 19 MPs voted in favor, 31 voted against and there were no abstentions from a total of 50 MPs.

in Rome.³³ The National Parliament did not authorise the publication of these 4 resolutions rejecting overseas trips by the President of the Republic.³⁴

In response to this political situation JSMP also submitted its thoughts and concerns via a press release on 23 October 2018.³⁵ Based on JSMP's observations, these policies could have potentially serious implications on relations and political and institutional communication with the President of the Republic because they undermine the relationships between the sovereign organs and this could affect the day to day functioning of the country and the lives of ordinary citizens. JSMP is aware that these practices reflect the spirit of norms provided in the Timor-Leste Constitution regarding the system of “checks and balances” however these mechanisms should be exercised in a healthy, responsible and dignified manner, and in particular, the national interest should be protected and good governance should be promoted, rather than because of political reasons that are counter-productive.

The 2018 State Budget

JSMP monitored the discussion and approval of the 2018 State Budget at the National Parliament. The National Parliament discussed and voted on the 2018 State Budget via a final global vote on 7 September 2018. The State Budget was approved with a final amount of US\$1,279.6 million with 42 votes in favour, 9 against and 14 abstentions.

The members of parliament who voted against and abstained were from the Fretilin Bench, whilst the opposition benches of the Democratic Party (PD) and the Democratic Development Unity Party (PUDD) voted in favour.

Categories in the 2018 State Budget

The 2018 State Budget was divided into three categories. The first category covers the period of execution from January to June 2018, which was executed by the VII Constitutional Government, via duodecimal regime, with a total expenditure of US\$402,100 million.

³³ In this vote 26 MPs voted in favor, 35 voted against and there were no abstentions from a total of 61 MPs.

³⁴ This information is based on data from the National Parliament.

³⁵ Detailed information is available in this Press Release: <http://jsmp.tl/wp-content/uploads/Parlamentu-Nasion%C3%A1l-dala-ida-tan-kansela-deslokasaun-Prezidente-Rep%C3%BAblika-ba-rai-liur.pdf>

The second category relates to the execution period from July to August 2018, where the VIII Constitutional Government continued to guarantee execution of public expenditure via the duodecimal regime with a total budget of almost US\$30 million each month.

The third category was from September to December 2018, with expenditure forecast until the end of 2018, with a total budget of US\$ 715,500 million.

The 2018 State Budget included loans, with the following allocations:

1. Salaries and wages: US\$ 200,312 million;
2. Goods and services: US\$ 421,666 million;
3. Public Transfers: US\$ 261,925 million;
4. Minor Capital: US\$ 3,659 million and
5. Capital and Development: US\$ 392,037 million (including infrastructure funds and loans).

Discussion and approval via specific discussion

Specific discussion is a phase of the discussion process of the State Budget each year according to the Parliament's rules of procedure. This is also a procedure used to discuss other draft laws. It was used to address each and every article of the law on the State Budget which was proposed by the Government to the National Parliament for discussion and approval.

During the specific discussion and approval JSMP noted that there were 99 proposals. These proposals ranged from requests for additional funds and proposals to eliminate allocations when members of parliament considered it unnecessary to execute certain funds in the short term.

These 99 proposals comprised 46 proposals from the opposition benches, 13 proposals from the AMP benches and 34 proposals as joint proposals from the opposition and AMP benches. There were 6 new proposals made during the discussion itself.

From these proposals, 20 were not passed, 26 were withdrawn, 38 were passed and 11 proposals that had previously been passed during the specific vote were later amended.

The proposals that were withdrawn came from the opposition benches. These proposals were withdrawn for two reasons. The first reason was when there was a clear

explanation or justification from the Government, and the second reason was the Government gave more consideration to the proposals from the AMP benches. The Prime Minister argued that the Government needs to give more priority to the proposals of the AMP benches because otherwise the Government might have collapse.

From amongst the proposals of the opposition, proposal No. 87 related to professional services, especially contracts for national and international advisors. These were put forward by the FRETILIN and PD benches. The 2018 State Budget allocated US\$1,786 million for professional services. The parties making the proposals explained that in the 2016 State Budget the Government allocated US\$3,526 million and in the 2017 State Budget US\$1,650 million was allocated. The National Parliament was not given any information or reports about how the funds were used for providing these professional services.

Based on the aforementioned reasons, the parties made a proposal to reduce the original amount of US\$1,786 million to US\$786 thousand. This means the National Parliament managed to save US\$ 1 million. This proposal passed with 37 votes in favour, 3 against and 23 abstentions.

From these proposals, the highest allocations were the proposal to capatilise TL Cement Ltd totalling US\$50 million. The other proposals covered debts of the Office of the President of the Republic, Ministry of Finance, allocations to the Government, Ministry of Justice, Ministry of Education, Youth and Sport, Ministry of Foreign Affairs and Cooperation, Ministry of Transport and Communications, Ministry of Planning and Strategic Investment, Office of the Ombudsman for Human Rights and Justice (PDHJ), the Anti-Corruption Commission (CAC) and National Laboratory.

Specifically in the area of Justice, the National Parliament approved funds totalling US\$13,840 million for the Ministry of Justice with 49 votes in favour, 0 against, and 15 abstentions. These funds will provide US\$4,700 million for salaries and wages, US\$ 9,089 million for goods and services and remuneration (retroactive payments) for public defenders.

Member of Parliament Carmelita Moniz put forward two proposals that passed totalling more than one million for Technical Assistance for the National Cadastral System

(SNC) Project. These funds will also be used for the construction of offices for the Public Prosecutor in Ermera and Bobonaro Municipalities.

The Minister of Justice appreciated the desire of MPs to approve the budget proposal for the Ministry of Justice to develop the justice sector. The Acting Minister of Finance reiterated that the source of funding for this proposal will come from the KITAN fund because there is a remaining balance of US\$4 million.

The proposals to eliminate budget allocations were as follows:

- Proposal to eliminate the reimbursement of KITAN exploration taxes totalling US\$ 64.500 million;
- Proposal to eliminate pluriannual funding (multi-annual budget) from PSIK totalling US\$5 million.
- Reserve fund at the Ministry of Finance.
- As well as the Human Capital Development Fund (FDCH) allocation for the capacity-building of public servants.

The aforementioned proposals were aimed at supporting the proposals for increases to the budgets of the Office of President of the Republic, Ministry of Finance, Ministry of Justice, Ministry of Education and autonomous institutions.

Concerns and criticism from the Opposition Benches

During the first discussion and the specific discussion MPs from the opposition expressed their concern that the Draft Law on the 2018 State Budget presented by the Prime Minister did not adhere to the procedures set out in the Law on Financial Management. The Opposition pointed out that the Law on Financial Management was not only violated by the Government but also by members of the National Parliament.

The opposition stated that there was no balance between income and expenditure, because the income is much smaller than the expenditure. From an economic perspective the 2018 State Budget is not realistic but populist because some budget lines are unnecessary or irrelevant.

The opposition parties were concerned because expenditure from January to August 2018 was just 29% of the total 2018 State Budget, and most of the money or 71% is to be spent in just four months.

Other concerns were conveyed over the proportionality of the VIII Government's allocations in the State Budget which are not equitable and contradict the priorities set out in its Program.

Other opposition parties, and Frelimo in particular, were very disappointed with the budget allocation for the sectors of education, agriculture and health. These sectors are crucial and key sectors but the Government only allocated limited funds. US\$ 121.1 million was allocated to these areas/sectors or just 9.4%. The Government only allocated 5.9% to education and the question was asked how this should improve the quality of education.

The opposition also identified illegal payments relating to the school feeding project based on an audit from the Audit Court in 2017 totalling US\$ 28,000. Therefore, the opposition requested for the Prime Minister to carefully examine these issues. To ensure transparency of execution in the future. In addition, the opposition also questioned the project to construct school buildings because the government allocate funds but there are still no results.

Also, the TD Bgnch expressed its concern and dissatisfaction with funds allocated for 142 projects totalling R\$ 344,1 million that were completed during the mandate of the VI Government. TD rejected these projects after receiving a letter from the Director of the Major Projects Secretariat, on 3 August 2017. This letter stated that these 142 projects have not yet reached the budget planning phase and have not yet been approved by Parliament and have been categorised as new Projects.

The Director of the Major Projects Secretariat acknowledged that the Infrastructure Funds Board (*Conselho da Administração dos Fundos de Infraestrutura*, CANI) granted approval to carry out these projects.

but has not yet entered contract⁷ with entrepreneurs. Even though Approval has been given By the CAFI, no contracts have been made in accordance with the Law of the Infrastructure Fund, Law on Financial Management and the Law on the State Budget. For this reason PD requested for the Prime Minister to provide clarification on the concerns raised by PD³⁶

Political statement and request for the creation of a Parliamentary Commission of Inquiry

The opposition benches felt that this is a big budget and they doubt the capacity of the Government to execute these funds properly and especially in regards to payment of debts. Therefore they requested for the National Parliament to create a Parliamentary Commission of Inquiry to monitor the payment of debts for the 142 projects that the government plans to fund.

The Government has continued to encourage the Government to be disciplined with its budget execution. (MPs recommended for the Government to learn from the experience of budget execution in the Special Administrative Region of Macao (RAEOA) and Oecusse Ambeno and Atauro Special Zone for Soko, Market Economy (ZEEMS) where the Audit Court reported that there were many irregularities and projects with "single source" procurement. Therefore the MPs requested that this be avoided to ensure that money of Government is executed properly.

JSMP observed that the debate on the 2017 State Budget went well from the first discussion and specific discussion and final vote. Even though some MPs were undisciplined during the discussion and voting process and there were some

³⁶ These issues and concerns included:

1. Was US\$323.6 million allocated to the development category to pay for 142 projects?
2. If the VIII Government proposes to fund these projects, then what projects will be funded and what is the amount of money forecast?
3. In fact the National Parliament has not yet rectified the 2017 State Budget to include 142 projects, and therefore which law allowed the VI Government to permit entrepreneurs to carry out projects in the field, and how is it possible that the VIII Government is now asking the National Parliament to approve the budget to pay for these projects?
4. If the VIII Government is going to pay for 142 projects, what does the Prime Minister think about the legality and constitutionality of the 142 projects? Is the Prime Minister going to pay for them without considering the legality of the matter?
5. What about the commitment of the Prime Minister to promote good governance, to combat collusion and corruption, to uphold the integrity of leaders and increase public confidence?

Disagreements between MPs from various opposition benches and the Government benches.

The opposition benches participated actively in the debates and discussions including proposing 47 amendments from a total of 99 proposals. Even though many of these proposals were withdrawn because they did not have the support of most members of the National Parliament and also because the responses or justification given by the Government were sufficient to get those making the proposals to then withdraw them. In addition, Members from the opposition also expressed their regret about the proposals that were not passed during voting. In response to their concerns the Prime Minister stated that the Government will maintain its support for the proposals submitted by the IMP MPs because otherwise there would pose a major risk for the Government that has been supported by the AMP to date.

JSMP observed that the proposed 2018 State Budget was filed at normalising the Budget Process and discontinuing the biennial budget process. The main priority of the 2018 State Budget is to pay off debts and to facilitate the machinery of the State for several months because there are no new projects in the 2018 State Budget proposed by the VIII Government.

However, HSMĐ believes that that in the national interest and (in order to promote the participation of the opposition benches, the Government and MPs from the Government Benches need to begin to consider proposals from the opposition. This means that they need to appreciate some of the proposals if the opposition parties to contribute towards improving and strengthening the work of the Government and the State in general. Consideration of their proposals will also contribute to establishing a political climate that is safe and conducive in the National Parliament now and in the future.

KSMP also noted that the proposals and concerns made by the opposition benches are also very important for Government consideration to ensure proportionate governance, with respect for the forms established in the Law on Financial Management and the State Budget and others related to the use of the State Budget to ensure a credible Government in the future. JSMP believes that if every body participates, especially the political parties in the National

Parliament, this will have a good effect on the people and the nation of Timor-Leste.

Like other civil society organisations, JSMP is very concerned about the effect of the allocation and execution of the State Budget each year. In particular the inconsistent allocation of the budget to productive sectors which also affected the justice sector*

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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 limited to influencing the main actors who have competence in accordance with the Constitution and the Law to make decisions in the political, legislative and judicial spheres.

JSMP regularly initiates opinions, holds consultations, participates in national and international human rights and justice networks and publishes articles in the mass media and electronic media, radio and television.

In 2018 JSMP presented a number of opinions to the public bodies and State institutions on political, legislative and justice issues. The aim of these opinions is to

³⁷ Complete information is available on the JSMP website: <http://jsmp.tl/wp-content/uploads/SumariuDiskusaoIEParlamentuNASIONAL.TETUM.pdf>

³⁷ Complete information is available on the JSMP website: <http://jsmp.tl/wp-content/uploads/SumariuDiskusaoIEParlamentuNASIONAL.TETUM.pdf>

provide some alternative ideas that can help politicians and public bodies or institutions to make decisions that reflect the interests of a large number of people via Political decisions and for drafting laws.

JSMP produced opinions during 2018, namely a) JSMP position on the allocation of the 2019 State Budget b) http://jsmp.tl/wp-content/uploads/Submisaun_JSMP-ba-PN_verseaun-final-30-9-2018FINAL_TETUM.pdf

c) Progress and Challenges relating to the Legislative Developments in Timor-Leste d) The Obligations of the State of Timor-Leste in the recruitment process and the workplace: Progress and challenges in implementing the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) e) Implementation of the International Covenant on Civil and Political Rights (ICCPR) in relation to Law No. 1/2006 on the freedom of assembly and demonstration f) Commitment to combat crimes on Corruption, the Competence of the Anti-Corruption Commission and existing challenges g) Dissolution of the National Parliament and the effect on the political legitimacy of the current Government and g) Results of JSMP monitoring and findings in the Justice Sector.

The opinion produced by JSMP were the result of research carried out through direct and indirect observations and interviews with actors or relevant parties. Some of JSMP's thoughts and recommendations set out in these opinions were given consideration by the relevant parties.

In addition to opinions, JSMP also regularly produced press releases relating to some important and relevant issues that JSMP discovered in the legislative sector as well as the justice sector through training conducted in the community. During 2018 JSMP produced 56 press releases and some of the press releases related to the political process and functioning of the National Parliament and some related to the functioning of the justice sector, and the rest related to training activities, commemorations and regional seminars.

Press releases that focused on the political situation and functioning of the National

³⁸ More detailed information is available at: http://jsmp.tl/wp-content/uploads/PareserKona-baOrsamentuJeralEstaduOJS_TETUM.pdf

³⁹ More detailed information is available at: http://jsmp.tl/wp-content/uploads/Submisaun_JSMP-ba-PN_verseaun-final-30-9-2018FINAL_TETUM.pdf

⁴⁰ More detailed information is available at: <http://jsmp.tl/wp-content/uploads/Progresu-no-dezafiu-implimentasaun-CEDAW-final-2018.pdf>

⁴¹ More detailed information is available at: http://jsmp.tl/wp-content/uploads/Pareserkona-baLeiDemostrasau_TETUM.pdf

⁴² More detailed information is available at: http://jsmp.tl/wp-content/uploads/Komprimisiuatukombatekrimekorruptsaun_TETUM.pdf

⁴³ More detailed information is available at: <http://jsmp.tl/wp-content/uploads/2018/02/Disolusaun-Parlamentu-Nasional-verseaun-ikus.pdf>

⁴⁴ More detailed is available at: http://jsmp.tl/wp-content/uploads/AsuntusiradiskutehoTRIBUNALREKURSU_Tetum.pdf

Parliament and the Government included c) The Political Impasse and Possible Solutions d) b) New Elections in Timor-Leste need to be Free and Fair c) JSMP observations of the Early Elections JSMP congratulates QMP on its history in the early elections and Makes some recommendations e) The new Government needs to fulfill its responsibilities f) V Legislature needs to develop a National Legislative Program g) VIII Constitutional Government needs to ensure and promote good governance h) JSMP appreciates the initiative of the Fretilin Bench and Democratic Party Bench for presenting the Draft Law Against Corruption to the Table of the National Parliament i) JSMP appreciates Committee F of the National Parliament for providing a space for civil society to contribute to the legislative process j) Summary of the discussion and approval of the 2018 Budget k) JSMP meets with the President of the National Parliament to present its findings about the legislative sector k) The Fretilin Bench requests for political leaders to engage in dialogue to seek a solution to the political impasse l) Committee F of the National Parliament appreciates JSMP findings during its monitoring of the National Parliament m) The National Parliament again cancels an overseas visit by the President of the Republic n) The National Parliament finally establishes a

⁴⁵ More detailed information is available at: http://jsmp.tl/wp-content/uploads/PrPWPKompetensia-PrezidentebaEmpasePolitiku_TETUM.pdf

⁴⁶ More detailed information is available at: http://jsmp.tl/wp-content/uploads/2018/05/PressStatementimor-Leste-Clean_TETUM.pdf

⁴⁷ More detailed information is available at: <http://jsmp.tl/wp-content/uploads/2018/05/JSMP-formalmente-halo-serem%C3%B3nia-deskolasaun-observad%C3%B3r-sira-ba-munis%C3%ADpiu-selesionadu-sira-atu-halo-observasaun-ba-Eleisaun-Antesipada-2018.pdf>

⁴⁸ More detailed information is available at: http://jsmp.tl/wp-content/uploads/2018/05/PrJSMPKongratulaAMPEleisaunAntesipadaPWPW_TETUM-1.pdf

⁴⁹ More detailed information is available at: http://jsmp.tl/wp-content/uploads/2018/05/PR-Joint-Statement-FA-JSMP-Asosiasaun-HAK_TETUM.pdf

⁵⁰ More detailed information is available at: http://jsmp.tl/wp-content/uploads/PrPWPParlamentuNasionalDALIMAK_TETUM.pdf

⁵¹ More detailed information is available at: http://jsmp.tl/wp-content/uploads/Governu-Konstitus%C3%A1l-VIII-tenke-aseguraGovernasaundiak_TETUM.pdf

⁵² More detailed information is available at: http://jsmp.tl/wp-content/uploads/PrPWPFretilinPDAPrezentaPLAK_TETUM.pdf

⁵³ More detailed information is available at: http://jsmp.tl/wp-content/uploads/PrPWPAudensiahoKomisaunFParlamentuNasional_TETUM.pdf

⁵⁴ More detailed information is available at: http://jsmp.tl/wp-content/uploads/SumariuDiskusaunOJEParlamentuNASIONAL_TETUM.pdf

⁵⁵ More detailed information is available at: http://jsmp.tl/wp-content/uploads/PrAudensiahoPresidentePARLAMENTUNASIONAL_TETUM.pdf

⁵⁶ More detailed information is available at: http://jsmp.tl/wp-content/uploads/PrPWPBanakdaFRETILINPromoveBoaGovernasaunnoKKN_TETUM.pdf

⁵⁷ More detailed information is available at: http://jsmp.tl/wp-content/uploads/PrAudensiahoPresidenteKomisaunF-PN_TETUM.pdf

⁵⁸ More detailed information is available at: <http://jsmp.tl/wp-content/uploads/Parlamentu-Nasion%C3%A1l-dala-ida-tan-kansela-deslokasaun-Prezidente-Rep%C3%BAblika-ba-rai-liur.pdf>

new culture on lifting immunity.□

In these press releases JSMP has presented its thoughts, analysis, interpretations and recommendations to the relevant State institution and bodies relating to relevant issues according to the different areas.

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. JSMP participated in the following meetings during 2018: a) meeting with the Minister of Justice to recommend the criminalisation of incest□ b) Meeting with the Prosecutor General of the Republic to present JSMP's general observations of the justice sector□ d) Meeting with the Secretary of State for Equality and Inclusion to talk about improving the Penal Code to better protect women and children□ e) Meeting with Committee F of the National Parliament to introduce the work of JSMP□ f) Meeting with the President of the National Parliament to present JSMP findings.□

JSMP has conducted advocacy through the print media, normally through the publication of articles in the Diário and Timor Post newspapers every week. The information published by JSMP summarises the activities conducted by JSMP through monitoring at the courts and the National Parliament.

Concerns of members of Village Councils and members of the LGBT Community

In addition to implementing its main programs such as monitoring at the courts and the National Parliament, JSMP has also facilitated training to members of Village Councils and members of the Lesbian, Gay, Bisexual and Transgender (LGBT) community in the 4 court jurisdictions.

The aim of these trainings is to increase the knowledge of the participants about democracy, role of the sovereign organs, public participation in the law making process and access to formal justice. Those who participate in this training can increase their knowledge about how to fully exercise with their political rights in a democracy, particularly during general elections, so they can better understand the role and competence of the President of the Republic, the National Parliament, the Government and the courts, so they can understand how they can participate

⁵⁹ More detailed information is available at: http://jsmp.tl/wp-content/uploads/PR_PN-halo-lezantamentu-imunidade-ba-deputadu-.pdf

⁶⁰ Please refer to this Press Release at: http://jsmp.tl/wp-content/uploads/PrEkipaAdvokasiahasorumaluhomJ_TETUM.pdf

⁶¹ Please refer to this Press Release at: http://jsmp.tl/wp-content/uploads/PrAudensiahoPGR_TETUM.pdf

⁶² Please refer to this Press Release at: http://jsmp.tl/wp-content/uploads/PrEkipaAdvokasiahaloAudensiahoSEII_TETUM.pdf

⁶³ Please refer to this Press Release at: http://jsmp.tl/wp-content/uploads/PrPWPAudensiahoKomisaunFParlamentuNasional_TETUM.pdf

⁶⁴ Please refer to this Press Release at: http://jsmp.tl/wp-content/uploads/PrAudensiahoPrezidentePARLAMENTUNASIONAL_TETUM.pdf

properly in public consultations about legislative issues and so they can better understand the role of institutions that work in various sectors, such as the courts, the Public Prosecution Service, the Office of the Public Defender, Private Lawyers and the Police. Also, community leaders can better understand their role and competence to resolve problems based on the mechanisms provided in the existing law.

In 2018 JSMP conducted 11 trainings, comprising 8 trainings for members of village councils and community members in 8 villages, and 3 trainings for members of the Lesbian, Gay, Bisexual and Transgender (LGBT) community at the municipal level.

Trainings provided in the jurisdiction of the Baucau District Court took place in the following municipalities; in Baucau Municipality training was given to members of the LGBT community on 7 February 2018, in Viqueque Municipality training was given to members of the village council and members of the community in Builale Village, Ossu Administrative Post on 13 February 2018, in Lautem Municipality training was given to members of the village council and members of the community in Lakawa Village, Luro Administrative Post on 16 February 2018,⁶⁵ in Manatuto Municipality training was given to members of the LGBT community in Manatuto Vila Administrative Post on 26 September 2018,⁶⁶ in Viqueque Municipality training was given to members of the village council and members of the community in Dilor Village, Lacluta Administrative Post on 4 October 2018.⁶⁷

Training in the jurisdiction of the Suai District Court was carried out in Covalima Municipality for members of the LGBT community on 7 March 2018, and in Ainaro Municipality for members of the village council and members of the community in Cassa Village, Ainaro Vila Administrative Post on 13 March 2018 and in Bobonaro Municipality training was given to members of the village council and members of the community in Carabau Village, Bobonaro Administrative Post on 15 March 2018.⁶⁸

Training in the jurisdiction of the Dili District Court was carried out in Ermera Municipality for members of the village council and members of the community in Liho Village, Railaco Administrative Post on 11 April 2018,⁶⁹ in Dili Municipality training was provided to members of the village council and members of the community in Beloi Village and Atauro

⁶⁵ Please refer to detailed information in this Press Release at: http://jsmp.tl/wp-content/uploads/PrAudensiahoPrezidentePARLAMENTUNASIONAL_TETUM.pdf

⁶⁶ Please refer to detailed information in this Press Release at: http://jsmp.tl/wp-content/uploads/PR-Treinamentu-Grupu-LGBT-Manatuto_TETUM.pdf

⁶⁷ Please refer to detailed information in this Press Release at: http://jsmp.tl/wp-content/uploads/PrTreinamentuCaicuaDilorDFAT_Tetum.pdf

⁶⁸ Please refer to detailed information in this Press Release at: http://jsmp.tl/wp-content/uploads/PrTreinamentuLGBTJuridisaunSUAID-FAT_Tetum.pdf

⁶⁹ Please refer to detailed information in this Press Release at: http://jsmp.tl/wp-content/uploads/2018/01/PrTreinamentuDistrituErmeraDFAT_TETUM.pdf

Administrative Post on 19 May 2018⁷⁰ and in Ermera Municipality training was provided to members of the village council and member of the community in Leimea Leten Village, Atsabe Administrative Post on 23 August 2018.⁷¹

Training in the jurisdiction of the Oecusse District Court was carried out in Usitaco Village, Nitibe Administrative Post for members of the Village Council and members of the community on 15 November 2018, in Naimeco Village, Pante Makasar Administrative Post on 19 November 2018 and Lelaufe Village, Nitibe Administrative Post on 21 November 2018.⁷²

84 people participated in training for the Lesbian, Gay, Bisexual and Transgender (LGBT) community and 247 people participated in training for members of village councils and members of the community, comprising 102 women and 145 men.

In these trainings the members of the village council, members of the community and members of the LGBT community raised issues and conveyed their concerns. Members of the LGBT community who participated in training provided in Baucau said that to date they have experienced a wide range of defamation, pressure and other violations in their family and community, but they did not lodge a complaint because they didn't know how and didn't know about their rights as citizens in the democratic country of Timor-Leste based on the rule of the law.⁷³

Members of the LGBT community in Manatuto raised issues regarding problems relating to their rights that they have encountered to date in the community, especially as their families reject them because they lead a different lifestyle. Other issues related to accusations and discrimination that they have faced, and if there are any laws that can guarantee their rights. They also asked if they experience threats, violence or rape, then who can they inform and how can these matters be processed.⁷⁴

Participants from the LGBT community in Suai requested for the State of Timor-Leste to recognise their rights especially regarding same sex marriage and the right to equal freedom like other communities in this democratic nation.⁷⁵

In addition to issues and concerns raised by participants from the LGBT community, members of village councils and community members also raised issues and conveyed their concerns. Participants from Liho Village, Ermera raised issues relating to the formation of the VII Constitutional Government, the dissolution of the National Parliament and early elections. The participants asked why early elections are necessary if the government has already been formed and if this was legal or not. The participants

⁷⁰ Please refer to detailed information in this Press Release at: http://jsmp.tl/wp-content/uploads/2018/06/PrTreinamentuProjeituDFATAtauoro_TETUM.pdf

⁷¹ Please refer to detailed information in this Press Release at: http://jsmp.tl/wp-content/uploads/PrPWPTreinamentu-ih-Leimeia-Leten-Atsabe_TETUM.pdf

⁷² Please refer to detailed information in this Press Release at: http://jsmp.tl/wp-content/uploads/PrPWPTreinamentuOECUSSE_DFAT_TETUM.pdf

⁷³ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrTreinamentuLGBTBaucauDFAT_TETUM.pdf

⁷⁴ Bele hare direita iha wesite JSMP: http://jsmp.tl/wp-content/uploads/PR-Treinamentu-Grupu-LGBT-Manatuto_TETUM.pdf

⁷⁵ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrTreinamentuLGBTJuridisaunSUAID-FAT_Tetum.pdf

also asked about the existence of the government after the dissolution of the National Parliament. Some of the issues taken up by the participants related to why the village chief and the village administration cannot make decisions about guilt and innocence when a problem occurs in the village.□

Participants from Beloi Village, Dili conveyed their concerns about formal justice in Timor-Leste in relation to criminal and civil cases including crimes involving foreigners and proceedings. Also, the participants also asked about women's rights to inheritance and about citizens occupying State land, and if foreigners married to East Timorese women have land and inheritance rights in Timor-Leste.□

Participants from Leimea Village, Ermera raised issues relating to the current political situation, in particular the decision of the President of the Republic to not appoint candidates for government who were involved in criminal cases, and specifically in relation to issues of constitutionality and legality. Other issues related to allegations made by the Public Prosecution Service where in some cases there was a lack of evidence but prosecutors still went ahead with charges.□

Important issues were raised by participants from Usitaco, Lelaufe, and Naimeco Villages, Special Administrative Region Of Oecusse-Ambeno during discussions related to rights and freedoms, particularly regarding children whose parents talk to them but they don't want to listen, because they have rights and freedoms. This has contributed to recent developments where many young women are getting pregnant. How are such problems supposed to be resolved?

Participants also raised the issue of rights and obligations of community members who have not met their obligations to contribute to community work and activities in the village and what means the local authorities may use. Also, participants questioned the system of democracy adopted by the State and they prefer to apply the monarchy system of kingdom system to deal with or resolve their issues or problems in the community. Also, some participants asked about democracy and rights, and why the community has elected members of parliament and what happens if they make a decision that goes against the desire of the community and this creates political situations where the people are the ones who continue to suffer.□

Important issues and concerns raised by participants from Dilor Village, Viqueque during these training sessions related to the issue of the National Parliament not approving the program of the VII Government and the dissolution of the National Parliament as well as the early elections. The participants said it was not fair on them because they elected the members of parliament, but they did not carefully consider and approve the government program to respond to the needs of the people, but rather they rejected it. Therefore the participants asked if there is an option to have the MPs prosecuted. Also, the participants asked about the dissolution of the National Parliament

⁷⁶ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/2018/01/PrTreinamentuDistrituErmeraDFAT_TETUM.pdf

⁷⁷ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/2018/06/PrTreinamentuProjeituDFATAtauoro_TETUM.pdf

⁷⁸ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrPWPTreinamentu-ihaleimeia-Leten-Atsabe_TETUM.pdf

⁷⁹ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrPWPTreinamentuOECUSSE_DFAT_TETUM.pdf

and early elections.

In addition to issues about rights, participants also raised the issue of obligations of community members who have not met their obligations to contribute to community work and activities in the village and what means the local authorities may use. Also, participants questioned the system of democracy adopted by the State and they prefer to apply the monarchy system of kingdom system to deal with or resolve their issues or problems in the community.

Also, some participants asked about democracy and rights, and why the community has elected members of parliament and what happens if they make a decision that goes against the desire of the community and this creates political situations where the people are the ones who continue to suffer. □

Community concerns are very relevant and State organs and institutions need to give consideration to these concerns and create an appropriate mechanism to disseminate important information about political and legislative matters and access to formal justice. The public need to be actively involved in the legislative process through public consultation with all stakeholders.

Through these trainings leaders and community members can increase their knowledge about democracy, the role of sovereign organs, public participation in the law making process and access to formal justice. JSMP assessed these results through a pre-test and post-test provided during the trainings.

Graph 14 Results of the pre-test and post-test for training on democracy and access to justice in the village

□ □

In addition to the concerns of community members and members of the LGBT community, JSMP also carried out evaluations after the training was finished through a pre-test and post-test, with responses of □Wrong□, or □Don't Know□ if the participant does not have any knowledge about a subject.

Based on the graphs above, the results of the pre-test taken before all of the trainings for members of the village council and members of the community show that □wrong□ and □don't know□ accounted for 36% responses. The results of the post-test that was provided after the training shows that leaders and community members who participated in the trainings increased by 16 %, namely from 64% to 80%.

Graph 11 Results of the pre-test and post-test for training on democracy and access to justice in the village

□ □

⁸⁰ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrTreinamentuCaicuaDilorDFAT_Tetum.pdf

The graphs show that based on the pre-tests given during the trainings, members of the LGBT community who participated in the trainings increased their awareness by 18%, namely an increase from 62% to 80%.

Regional Seminars

Besides conducting trainings, JSMP also organized regional seminars according to court jurisdictions to invite the representative from the National Parliament, Court, Public Prosecutor and Public Defender to provide presentations on their works, successes and challenges. JSMP itself provide information on the results of its observation in the legislative and justice sectors to the participants.

The participants of the seminars were from the representative of the members of the village council and LGBT members groups who took part at the trainings that have been conducted. The objective of the seminar is to facilitate direct contact among the participants with the MPs and judicial actors that is called with the term of "community meets leaders". So the participants can directly present the concerns and questions to the leaders.

In 2018, JSMP organized regional seminar in the jurisdiction of Suai District Court (TDS) on May 23rd, 2018 at the meeting room of the Covalima Municipality. JSMP organized regional seminar in the jurisdiction of the Dili District Court (TDD) on June 8th, 2018 at the meeting room of Correios, Dili. JSMP Organized regional seminar in the jurisdiction of Baucau District Court (TDB) on June 14, 2018 at room of Typography of Baucau Diocese. JSMP organized regional seminar in the court jurisdiction of Oecusse District Court (TDO) on June 20, 2018.

⁸¹ Detallu hosi semináriu ne'e bele haree iha nee: <http://jsmp.tl/wp-content/uploads/2018/06/JSMP-apresenta-deskobrimentu-sobre-dezenvolvimentu-set%C3%B3r-lejizlativu-no-justisa-ih-semin%C3%A1riu-rejion%C3%A1l-Suai-kona-ba-knaar-Parlamentu-Nasion%C3%A1l-no-Sistem-Justisa-form%C3%A1l.pdf>

⁸² Detallu hosi semináriu ne'e haree iha ne'e: http://jsmp.tl/wp-content/uploads/PrPWPSeminatuiNasionalDili_TETUM-1.pdf

⁸³ Detallu hosi semináriu ne'e bele haree iha ne'e: http://jsmp.tl/wp-content/uploads/PR-Semin%C3%A1riu-Rejion%C3%A1l-Distritu-Baukau_TETUM.pdf

⁸⁴ Detallu kona-ba semináriu ne'e bele haree iha ne'e: http://jsmp.tl/wp-content/uploads/PrPWPSeminariuRegionalRAEOAOecussi_TETUM.pdf

Conclusions and Recommendations

Even though the first legislative session of the National Parliament of the V Legislature was only for a short period which was dominated by the political impasse, there were changes in the attendance of MPs in the plenary as well as participation in the legislative process and political decision making. However, there was no change regarding the issue of punctuality and this impacted on quorums in meetings of the plenary and the committees, which had a direct impact on the productivity of the National Parliament. Many important laws are required to provide solutions to social, political and judicial problems in the country, such as the Law Against Corruption, Law on Reparations and a Public Memory Institute, the Land Law, Law on the Creation of a Bar Association, Law on Child Protection, etc. The National Parliament had no national legislative program for the first legislature to guide the National Parliament so it could have a legislative plan for each legislative session.

Also, the political impasse led to a range of precedents and political practices that were counter-productive in nature or political revenge that has had an impact on State interests, even though the people and political leaders managed to overcome this situation without any major risks to national stability. Discussions in the plenary have focused more on political discussions regarding party interests rather than national interests.

Therefore, JSMP closes this report by making the following recommendations to the National Parliament:

To develop a National Legislation Program for each Legislature to give priority to important laws that have been pending for many years or that have expired in the National Parliament such as the Law on Reparations and a Public Memory Institute to ensure transitional justice for victims of past crimes; the Law Against corruption that can strengthen the work of the Public Prosecution Service and the Anti-Corruption Commission (CAC) in combatting corruption and the Law on the Creation of a Bar Association to strengthen the judicial system and access to justice, Land Law to guarantee access to land w Rai atu bele ensure everyone's right to access land, Law on Child Protection to guarantee and properly protect the rights of the child, and other important laws.

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 these important laws.

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.

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.

The National Parliament and relevant State institutions should actively involve the public in the legislative process and disseminate information about these 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.

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 work spaces to members of parliament to ensure the effective functioning of the National Parliament.

Annexes

The tables below show the laws, draft laws and draft resolutions approved by the National Parliament in 2018.

Table 1 Draft laws approved in 2018:

Initiative No.	Title	Date of Entry	Date and results of vote	Law/Statute No.
□□2/V/1♠	□ First amendment to Law No. 13/2005, 2 September, the Law on Petroleum Activities	□22/10/2018	□Vote of endorsement (10/01/2019)	

For = 41

Ag = 1

Ab = 0 (11.53)

□ Still being appraised by the court □□

Table 2 Draft laws approved

Initiative No.	Title	Date of Entry	Date and results of vote	Law No.
□□1/V(1♠)	□ Law on an Exceptional Authorization Regarding Transfers from the Petroleum Fund (Urgent)	□18/07/2018	□20/07/2018	

For = 35

Ag = 25

Ab = 3 (22:20)

□No. 1/2018, 10 August	□□2/V(1♠)	□The State Budget for 2018 (Urgent)
□08/08/2018	□07/09/2018	

For = 42

Ag = 9

Ab = 14 (10.22)	□No. 2/2018 27 September	□□3/V(1♠)	□The State Budget for 2019
□08/11/2018	□22/12/2018		

For = 40

Ag = 25

Ab = 0 (12.06)

□ Not yet published □□

Table 3 Draft resolutions approved

Initiative No.

□ Title □ Date of Entry □ Discussion and Vote □ Date Resolution Published □ □

1/V/1♠ □ Visit of the President of the Republic of Timor-Leste to

Indonesia □ 18/06/2018 □ 21/06/2018

For = 62/95

Ag = 0

Ab = 0 □ 1/2018, 27 June □ □ 2/V/1♠ □ The election of Five Full Members and Five Alternate Members to the Board of the National Parliament □ 26/06/2018

(Election) □ 26/06/2018

For = 38/96

Ag = 3

Ab = 22 □ 2/2018, 4 July □ □ 3/V/1♠ □ The Election of Three Members to the Superior Council of Defence and Security. □ 03/07/2018

(Election) □ 03/07/2018

For = 57/95

Ag = 0

Ab = 3

Null = 2 □ 3/2018, 4 July □ □ 4/V/1♠ □ The Election of Five Members to the Council of State □ 09/07/2018

(Election) □ 09/07/2018

For = 63/96

Ag = 0

Ab = 0 □ 6/2018, 18 July □ □ 5/V/1♠ □ The Election of the National Delegation to CPLP's Parliamentary Assembly □ 09/07/2018

(Election) □ 09/07/2018

For = 61/95

Ag = 0

Ab = 1 □ 4/2018, 18 July □ □ 6/V/1♠ □ The Election of the Parliamentary Delegation to the Inter-Parliamentary Union (IPU) □ 09/07/2018

(Election) □ 09/07/2018

For = 63/98

Ag = 0

Ab = 1 □ 5/2018, 18 July □ □ 7/V/1♠ □ Visit of the President of the Republic of Timor-Leste to Portugal □ 09/07/2018

□ 09/07/2018

For = 29/98

Ag = 35

Ab = 0 □ Parliament did not grant authorization □ □ 8/V/1♠ □ Adoption of the National Parliament's Action Plan and Budget for 2018 □ 01/08/2018

□ Adopted in general terms by the plenary

3/8/18 (16.45)

For = 36

Ag = 0

Ab = 9

Final Vote

3/8/18(18.53)

For = 40/66

Ag = 0

Ab = 3 □ 7/2018, 8 August □ □ 9/V/1 ♠ □ Resolution on the Termination of Decree-Law No. 3/2018, of 14 March (First Amendment to Decree-Law no. 3/2015, of 14 January □ Adopting the National Basic Curriculum for Pre-School Education) □ 06/08/2018

FRETILIN and PD did not participate □ 06/08/2018

For = 34/54

Ag = 0

Ab = 1 □ 8/2018, 10 August □ □ 10/V/1 ♠ □ Resolution on the Termination of Decree-Law no. 4/2018, of 14 March (First Amendment to Decree-Law no. 4/2015, of 14 January - Adopting the National Basic Curriculum for the First and Second Cycles of Basic Education) □ 06/08/2018

FRETILIN and PD did not participate □ 06/08/2018

For = 34/54

Ag = 0

Ab = 1 □ 9/2018, 10 August □ □ 11/V/1 ♠ □ Visit of the President of the Republic of Timor-Leste to the United States □ 07/09/2018 □ 18/09/2018

For = 25/89

Ag = 33

Ab = 0 □ Parliament did not grant authorization □ □ 12/V/1 ♠ □ Resolution recommending to the Government the adoption of measures aimed at protecting and preserving the environment. □ 25/09/2018 □ 09/10/2018

For = 53/82

Ag = 0

Ab = 0 (12.28) □ 12/2018, 10 October □ □ 13/V/1 ♠ □ Resolution reiterating the Principles and Values of the Universal Declaration on Democracy □ 02/10/2018 □ 02/10/2018

For = 49/75

Ag = 0

Ab = 0 (12.33) □ 10/2018, 10 October □ □ 14/V/1 ♠ □ State's General Account for 2016 □ 05/01/2018 □ 04/10/2018

For = 55/84

Ag = 0

Ab = 0 □ 11/2018, 10 October □ □ 15/V/1 ♠ □ National Parliament's Own Budget for 2019 □ 09/10/2018 □ Adopted by the plenary in general terms 18/10/2018

For = 32/65

Ag = 0

Ab = 10 (15.47)

Final Vote

19/10/2018

For = 32/55

Ag = 0

Ab = 4 (19.14) □ 13/2018, 24 October □ □ 16/V/1 ♠ □ Visit of the President of the Republic of Timor-Leste to Indonesia □ 07/09/2018 □ 23/10/2018

For = 19/77

Ag = 31

Ab = 0 (15.58) □ Parliament did not grant authorization □ □ 17/V/1 ♠ □ Visit of the President of the Republic of Timor-Leste to Rome □ 07/09/2018 □ 05/11/2018

For = 26/94

Ag = 35

Ab = 0 (17.17) □ Parliament did not grant authorization □ □ 18/V/1 ♠ □ Election of the Ombudsman for Human Rights and Justice □ □ 5/11/2018

J: 38/94

H: 23 □ 14/2018, 6 November □ □ 19 □ Suspension of the Mandate of Member of Parliament Ant [nio Conceil] ©o so that judicial proceedings may be pursued □ □ □ □ □

'es in i-ðlementkng the Convention ol the Elimination of all Æorls of Discrimhnation Agai.st Women (CEDAW) □ d) Implementation of the Intevnatonal!Covenant oj Ckvil and Politicál Rights hICCPR9 in relation to Law Nñ. 1/2006 on th% freedom of asqgmbly aîd demonwtpation □ e+" Commidment to combat crimes on Corruption,0phe Competence of!tHe Anti-Corruption Commiwsion and exiyting chalLenges □ f)!Diss/lution oæ the Netional Parliamenp and the âffecô on the political Legitieacy oæ the currânt Government □ and g) Results of JSMP mkn}toring ind findings in the Justice Sectmr. □

Txe oPinionó produced by JSM □ were thå rewult nf reseavch carried □nut th2ough direct and indmrect obsupvations and ijterviews with actors\$or relevant paruies. Óome of JSMP's thouGhts and 2mcommendadions set out!in these opinionò were given cñsideration by the releôant paRtmes.

In addition to opinions, JSMP also re'ula2ly psoduced press releases relating To some ioportant and relevant yssuus that JsMP discoverud in The legislatmvg sector as well!as thå justice sdctoð

⁴⁰ More detailed information is available at: <http://jsmp.tl/wp-content/uploads/Progresu-no-dezafiu-implentasaun-CEDAW-final-2018.pdf>

⁴¹ More detailed information is available at: http://jsmp.tl/wp-content/uploads/Pareserkona-baleiDemostrasau_TETUM.pdf

⁴² More detailed information is available at: http://jsmp.tl/wp-content/uploads/Komprimisiuatukombatekrimekorruptsaun_TETUM.pdf

⁴³ More detailed information is available at: <http://jsmp.tl/wp-content/uploads/2018/02/Disolusaun-Parlamentu-Nasional-versaun-ikus.pdf>

⁴⁴ More detailed is available at: http://jsmp.tl/wp-content/uploads/AsuntusiradiskutehoTRIBUNALREKURSU_Tetum.pdf

through training conducted in the community. During 2018 JSMP produced 56 press releases and some of the press releases related to the political impasse and functioning of the National Parliament and some related to the functioning of the justice sector, and the rest related to training activities, commemorations and regional seminars.

Press releases that focused on the political situation and functioning of the National Parliament and the Government included:

- a) The Political Impasse and Possible Solutions
- b) New Elections in Timor-Leste need to be Free and Fair
- c) JSMP observations of the Early Elections
- d) JSMP congratulates QMP on its history in the early elections and Makes some recommendations
- e) The new Government needs to fulfill its responsibilities
- f) V Legislature needs to develop a National Legislative Program
- g) VIII Constitutional Government needs to ensure and promote good governance
- h) JSMP appreciates the initiative of the Fretilin Bench and Democratic Party Bench for presenting the Draft Law Against Corruption to the Table of the National Parliament
- i) JSMP appreciates Committee F of the National Parliament for providing a space for civil society to contribute to the legislative process
- j) Summary of the discussion and approval of the 2018 Budget
- k) JSMP meets with the President of the National Parliament to present its findings about the legislative sector
- l) The Fretilin Bench requests for political leaders to engage in dialogue to seek a solution to the political impasse
- m) Committee F of the National Parliament appreciates JSMP findings during

⁴⁵ More detailed information is available at: http://jsmp.tl/wp-content/uploads/PrPWPKompetensia-PrezidentebaEmpasePolitiku_TETUM.pdf

⁴⁶ More detailed information is available at: http://jsmp.tl/wp-content/uploads/2018/05/PressStatementtimor-Leste-Clean_TETUM.pdf

⁴⁷ More detailed information is available at: <http://jsmp.tl/wp-content/uploads/2018/05/JSMP-formalmente-halo-serem%C3%B3nia-deskolasaun-observad%C3%B3r-sira-ba-munis%C3%ADpiu-selesionadu-sira-atu-halo-observasaun-ba-Eleisaun-Antesipada-2018.pdf>

⁴⁸ More detailed information is available at: http://jsmp.tl/wp-content/uploads/2018/05/PrJSMPKongratulaAMPELeisaunAntesipadaPWPW_TETUM-1.pdf

⁴⁹ More detailed information is available at: http://jsmp.tl/wp-content/uploads/2018/05/PR-Joint-Statement-FA-JSMP-Asosiasaun-HAK_TETUM.pdf

⁵⁰ More detailed information is available at: http://jsmp.tl/wp-content/uploads/PrPWPParlamentuNasionalDALIMAK_TETUM.pdf

⁵¹ More detailed information is available at: http://jsmp.tl/wp-content/uploads/Governu-Konstitus%C3%A1l-VIII-tenke-aseguraGovernasaundiak_TETUM.pdf

⁵² More detailed information is available at: http://jsmp.tl/wp-content/uploads/PrPWPFretilinPDAPrezentaPLAK_TETUM.pdf

⁵³ More detailed information is available at: http://jsmp.tl/wp-content/uploads/PrPWPAudensiahoKomisaunFParlamentuNasional_TETUM.pdf

⁵⁴ More detailed information is available at: http://jsmp.tl/wp-content/uploads/SumariuDiskusaunOJEParlamentuNASIONAL_TETUM.pdf

⁵⁵ More detailed information is available at: http://jsmp.tl/wp-content/uploads/PrAudensiahoPrezidentePARLAMENTUNASIONAL_TETUM.pdf

⁵⁶ More detailed information is available at: http://jsmp.tl/wp-content/uploads/PrPWPBanakdaFRETILINPromoveBoaGovernasaunnoKKN_TETUM.pdf

its monitoring of the National Parliament□ m) The National Parliament again cancels an overseas visit by the President of the Republic□ n) The National Parliament finally establishes a new culture on lifting immunity.□

In these press releases JSMP has presented its thoughts, analysis, interpretations and recommendations to the relevant State institution and bodies relating to relevant issues according to the different areas.

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. JSMP participated in the following meetings during 2018: a) meeting with the Minister of Justice to recommend the criminalisation of incest□ b) Meeting with the Prosecutor General of the Republic to present JSMP's general observations of the justice sector□ d) Meeting with the Secretary of State for Equality and Inclusion to talk about improving the Penal Code to better protect women and children□ e) Meeting with Committee F of the National Parliament to introduce the work of JSMP□ f) Meeting with the President of the National Parliament to present JSMP findings.□

JSMP has conducted advocacy through the print media, normally through the publication of articles in the Diário and Timor Post newspapers every week. The information published by JSMP summarises the activities conducted by JSMP through monitoring at the courts and the National Parliament.

Concerns of members of Village Councils and members of the LGBT Community

In addition to implementing its main programs such as monitoring at the courts and the National Parliament, JSMP has also facilitated training to members of Village Councils and members of the Lesbian, Gay, Bisexual and Transgender (LGBT) community in the 4 court jurisdictions.

The aim of these trainings is to increase the knowledge of the participants about democracy, role

⁵⁷ More detailed information is available at: http://jsmp.tl/wp-content/uploads/PrAudensiahoPrezidenteKomisaunF-PN_TETUM.pdf

⁵⁸ More detailed information is available at: <http://jsmp.tl/wp-content/uploads/Parlamentu-Nasion%C3%A1l-dala-ida-tan-kansela-deslokasaun-Prezidente-Rep%C3%BAblika-ba-rai-liur.pdf>

⁵⁹ More detailed information is available at: http://jsmp.tl/wp-content/uploads/PR_PN-halo-lezantamentu-imunidade-ba-deputadu-.pdf

⁶⁰ Please refer to this Press Release at: http://jsmp.tl/wp-content/uploads/PrEkipaAdvokasiahasorumaluhoMJ_TETUM.pdf

⁶¹ Please refer to this Press Release at: http://jsmp.tl/wp-content/uploads/PrAudensiahoPGR_TETUM.pdf

⁶² Please refer to this Press Release at: http://jsmp.tl/wp-content/uploads/PrEkipaAdvokasiahaloAudensiahoSEII_TETUM.pdf

⁶³ Please refer to this Press Release at: http://jsmp.tl/wp-content/uploads/PrPWPAudensiahoKomisaunFParlamentuNasional_TETUM.pdf

⁶⁴ Please refer to this Press Release at: http://jsmp.tl/wp-content/uploads/PrAudensiahoPrezidentePARLAMENTUNASIONAL_TETUM.pdf

of the sovereign organs, public participation in the law making process and access to formal justice. Those who participate in this training can increase their knowledge about how to fully exercise with their political rights in a democracy, particularly during general elections, so they can better understand the role and competence of the President of the Republic, the National Parliament, the Government and the courts, so they can understand how they can participate properly in public consultations about legislative issues and so they can better understand the role of institutions that work in various sectors, such as the courts, the Public Prosecution Service, the Office of the Public Defender, Private Lawyers and the Police. Also, community leaders can better understand their role and competence to resolve problems based on the mechanisms provided in the existing law.

In 2018 JSMP conducted 11 trainings, comprising 8 trainings for members of village councils and community members in 8 villages, and 3 trainings for members of the Lesbian, Gay, Bisexual and Transgender (LGBT) community at the municipal level.

Trainings provided in the jurisdiction of the Baucau District Court took place in the following municipalities; in Baucau Municipality training was given to members of the LGBT community on 7 February 2018, in Viqueque Municipality training was given to members of the village council and members of the community in Builale Village, Ossu Administrative Post on 13 February 2018, in Lautem Municipality training was given to members of the village council and members of the community in Lakawa Village, Luro Administrative Post on 16 February 2018,⁶⁵ in Manatuto Municipality training was given to members of the LGBT community in Manatuto Vila Administrative Post on 26 September 2018,⁶⁶ in Viqueque Municipality training was given to members of the village council and members of the community in Dilor Village, Lacluta Administrative Post on 4 October 2018.⁶⁷

Training in the jurisdiction of the Suai District Court was carried out in Covalima Municipality for members of the LGBT community on 7 March 2018, and in Ainaro Municipality for members of the village council and members of the community in Cassa Village, Ainaro Vila Administrative Post on 13 March 2018 and in Bobonaro Municipality training was given to members of the village council and members of the community in Carabau Village, Bobonaro Administrative Post on 15 March 2018.⁶⁸

Training in the jurisdiction of the Dili District Court was carried out in Ermera Municipality for members of the village council and members of the community in Liho Village, Railaco

⁶⁵ Please refer to detailed information in this Press Release at: http://jsmp.tl/wp-content/uploads/PrAudensiahoPrezidentePARLAMENTUNASIONAL_TETUM.pdf

⁶⁶ Please refer to detailed information in this Press Release at: http://jsmp.tl/wp-content/uploads/PR-Treinamentu-Grupu-LGBT-Manatuto_TETUM.pdf

⁶⁷ Please refer to detailed information in this Press Release at: http://jsmp.tl/wp-content/uploads/PrTreinamentuCaicuaDilorDFAT_Tetum.pdf

⁶⁸ Please refer to detailed information in this Press Release at: http://jsmp.tl/wp-content/uploads/PrTreinamentuLGBTJuridisaunSUAID-FAT_Tetum.pdf

Administrative Post on 11 April 2018,□ in Dili Municipality training was provided to members of the village council and members of the community in Beloi Village and Atauro Administrative Post on 19 May 2018□ and in Ermera Municipality training was provided to members of the village council and member of the community in Leimea Leten Village, Atsabe Administrative Post on 23 August 2018.□

Training in the jurisdiction of the Oecusse District Court was carried out in Usitaco Village, Nitibe Administrative Post for members of the Village Council and members of the community on 15 November 2018, in Naimeco Village, Pante Makasar Administrative Post on 19 November 2018 and Lelaufe Village, Nitibe Administrative Post on 21 November 2018.□

84 people participated in training for the Lesbian, Gay, Bisexual and Transgender (LGBT) community and 247 people participated in training for members of village councils and members of the community, comprising 102 women and 145 men.

In these trainings the members of the village council, members of the community and members of the LGBT community raised issues and conveyed their concerns. Members of the LGBT community who participated in training provided in Baucau said that to date they have experienced a wide range of defamation, pressure and other violations in their family and community, but they did not lodge a complaint because they didn't know how and didn't know about their rights as citizens in the democratic country of Timor-Leste based on the rule of the law.□

Members of the LGBT community in Manatuto raised issues regarding problems relating to their rights that they have encountered to date in the community, especially as their families reject them because they lead a different lifestyle. Other issues related to accusations and discrimination that they have faced, and if there are any laws that can guarantee their rights. They also asked if they experience threats, violence or rape, then who can they inform and how can these matters be processed.□

Participants from the LGBT community in Suai requested for the State of Timor-Leste to recognise their rights especially regarding same sex marriage and the right to equal freedom like other communities in this democratic nation.□

In addition to issues and concerns raised by participants from the LBGT community, members of village councils and community members also raised issues and conveyed

⁶⁹ Please refer to detailed information in this Press Release at: http://jsmp.tl/wp-content/uploads/2018/01/PrTreinamentuDistrituErmeraDFAT_TETUM.pdf

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⁷⁴ Bele hare direita iha website JSMP: http://jsmp.tl/wp-content/uploads/PR-Treinamentu-Grupu-LGBT-Manatuto_TETUM.pdf

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their concerns. Participants from Liho Village, Ermera raised issues relating to the formation of the VII Constitutional Government, the dissolution of the National Parliament and early elections. The participants asked why early elections are necessary if the government has already been formed and if this was legal or not. The participants also asked about the existence of the government after the dissolution of the National Parliament. Some of the issues taken up by the participants related to why the village chief and the village administration cannot make decisions about guilt and innocence when a problem occurs in the village.□

Participants from Beloi Village, Dili conveyed their concerns about formal justice in Timor-Leste in relation to criminal and civil cases including crimes involving foreigners and proceedings. Also, the participants also asked about women's rights to inheritance and about citizens occupying State land, and if foreigners married to East Timorese women have land and inheritance rights in Timor-Leste.□

Participants from Leimea Village, Ermera raised issues relating to the current political situation, in particular the decision of the President of the Republic to not appoint candidates for government who were involved in criminal cases, and specifically in relation to issues of constitutionality and legality. Other issues related to allegations made by the Public Prosecution Service where in some cases there was a lack of evidence but prosecutors still went ahead with charges.□

Important issues were raised by participants from Usitaco, Lelaufe, and Naimeco Villages, Special Administrative Region Of Oecusse-Ambeno during discussions related to rights and freedoms, particularly regarding children whose parents talk to them but they don't want to listen, because they have rights and freedoms. This has contributed to recent developments where many young women are getting pregnant. How are such problems supposed to be resolved?

Participants also raised the issue of rights and obligations of community members who have not met their obligations to contribute to community work and activities in the village and what means the local authorities may use. Also, participants questioned the system of democracy adopted by the State and they prefer to apply the monarchy system of kingdom system to deal with or resolve their issues or problems in the community. Also, some participants asked about democracy and rights, and why the community has elected members of parliament and what happens if they make a decision that goes against the desire of the community and this creates political situations where the people are the ones who continue to suffer.□

Important issues and concerns raised by participants from Dilor Village, Viqueque during these training sessions related to the issue of the National Parliament not approving the program of the VII Government and the dissolution of the National Parliament as well as the early elections. The participants said it was not fair on them

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because they elected the members of parliament, but they did not carefully consider and approve the government program to respond to the needs of the people, but rather they rejected it. Therefore the participants asked if there is an option to have the MPs prosecuted. Also, the participants asked about the dissolution of the National Parliament and early elections.

In addition to issues about rights, participants also raised the issue of obligations of community members who have not met their obligations to contribute to community work and activities in the village and what means the local authorities may use. Also, participants questioned the system of democracy adopted by the State and they prefer to apply the monarchy system of kingdom system to deal with or resolve their issues or problems in the community.

Also, some participants asked about democracy and rights, and why the community has elected members of parliament and what happens if they make a decision that goes against the desire of the community and this creates political situations where the people are the ones who continue to suffer. □

Community concerns are very relevant and State organs and institutions need to give consideration to these concerns and create an appropriate mechanism to disseminate important information about political and legislative matters and access to formal justice. The public need to be actively involved in the legislative process through public consultation with all stakeholders.

Through these trainings leaders and community members can increase their knowledge about democracy, the role of sovereign organs, public participation in the law making process and access to formal justice. JSMP assessed these results through a pre-test and post-test provided during the trainings.

Graph 14 Results of the pre-test and post-test for training on democracy and access to justice in the village

□ □

In addition to the concerns of community members and members of the LGBT community, JSMP also carried out evaluations after the training was finished through a pre-test and post-test, with responses of □Wrong□, or □Don't Know□ if the participant does not have any knowledge about a subject.

Based on the graphs above, the results of the pre-test taken before all of the trainings for members of the village council and members of the community show that □wrong□ and □don't know□ accounted for 36% responses. The results of the post-test that was provided after the training shows that leaders and community members who participated in the trainings increased by 16 %, namely from 64% to 80%.

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Graph 11 Results of the pre-test and post-test for training on democracy and access to justice in the village

□□

The graphs show that based on the pre-tests given during the trainings, members of the LGBT community who participated in the trainings increased their awareness by 18%, namely an increase from 62% to 80%.

Regional Seminars

Besides conducting trainings, JSMP also organized regional seminars according to court jurisdictions to invite the representative from the National Parliament, Court, Public Prosecutor and Public Defender to provide presentations on their works, successes and challenges. JSMP itself provide information on the results of its observation in the legislative and justice sectors to the participants.

The participants of the seminars were from the representative of the members of the village council and LGBT members groups who took part at the trainings that have been conducted. The objective of the seminar is to facilitate direct contact among the participants with the MPs and judicial actors that is called with the term of "community meets leaders". So the participants can directly present the concerns and questions to the leaders.

In 2018, JSMP organized regional seminar in the jurisdiction of Suai District Court (TDS) on May 23rd, 2018 at the meeting room of the Covalima Municipality. JSMP organized regional seminar in the jurisdiction of the Dili District Court (TDD) on June 8th, 2018 at the meeting room of Correios, Dili. JSMP Organized regional seminar in the jurisdiction of Baucau District Court (TDB) on June 14, 2018 at room of Typography of Baucau Diocese. JSMP organized regional seminar in the court jurisdiction of Oecusse District Court (TDO) on June 20, 2018.

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⁸² Detallu hosi semináriu ne'e haree iha ne'e: http://jsmp.tl/wp-content/uploads/PrWPWSeminariuNasionalDili_TETUM-1.pdf

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⁸⁴ Detallu kona-ba semináriu ne'e bele haree iha ne'e: http://jsmp.tl/wp-content/uploads/PrWPWSeminariuRegionalRAEOAOecussi_TETUM.pdf

Conclusions and Recommendations

Even though the first legislative session of the National Parliament of the V Legislature was only for a short period which was dominated by the political impasse, there were changes in the attendance of MPs in the plenary as well as participation in the legislative process and political decision making. However, there was no change regarding the issue of punctuality and this impacted on quorums in meetings of the plenary and the committees, which had a direct impact on the productivity of the National Parliament. Many important laws are required to provide solutions to social, political and judicial problems in the country, such as the Law Against Corruption, Law on Reparations and a Public Memory Institute, the Land Law, Law on the Creation of a Bar Association, Law on Child Protection, etc. The National Parliament had no national legislative program for the first legislature to guide the National Parliament so it could have a legislative plan for each legislative session.

Also, the political impasse led to a range of precedents and political practices that were counter-productive in nature or political revenge that has had an impact on State interests, even though the people and political leaders managed to overcome this situation without any major risks to national stability. Discussions in the plenary have focused more on political discussions regarding party interests rather than national interests.

Therefore, JSMP closes this report by making the following recommendations to the National Parliament:

To develop a National Legislation Program for each Legislature to give priority to important laws that have been pending for many years or that have expired in the National Parliament such as the Law on Reparations and a Public Memory Institute to ensure transitional justice for victims of past crimes; the Law Against corruption that can strengthen the work of the Public Prosecution Service and the Anti-Corruption Commission (CAC) in combatting corruption and the Law on the Creation of a Bar Association to strengthen the judicial system and access to justice, Land Law to guarantee access to land w Rai atu bele ensure everyone's right to access land, Law on Child Protection to guarantee and properly protect the rights of the child, and other important laws.

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 these important laws.

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.

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.

The National Parliament and relevant State institutions should actively involve the public in the legislative process and disseminate information about these 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.

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 work spaces to members of parliament to ensure the effective functioning of the National Parliament.

Annexes

The tables below show the laws, draft laws and draft resolutions approved by the National Parliament in 2018.

Table 1 Draft laws approved in 2018:

Initiative No. ☐ Title ☐ Date of Entry ☐ Date and results of vote ☐ Law/Statute No.

☐ ☐ 2/V/1♠ ☐ First amendment to Law No. 13/2005, 2 September, the Law on Petroleum Activities ☐ 22/10/2018 ☐ Vote of endorsement (10/01/2019)

For = 41

Ag = 1

Ab = 0 (11.53)

☐ Still being appraised by the court ☐ ☐

Table 2 Draft laws approved

Initiative No. ☐ Title ☐ Date of Entry ☐ Date and results of vote ☐ Law No.

☐ ☐ 1/V(1♠) ☐ Law on an Exceptional Authorization Regarding Transfers from the Petroleum Fund (Urgent) ☐ 18/07/2018 ☐ 20/07/2018

For = 35

Ag = 25

Ab = 3 (22:20)

☐ No. 1/2018, 10 August ☐ ☐ 2/V(1♠) ☐ The State Budget for 2018 (Urgent)

☐ 08/08/2018 ☐ 07/09/2018

For = 42

Ag = 9

Ab = 14 (10.22) ☐ No. 2/2018 27 September ☐ ☐ 3/V(1♠) ☐ The State Budget for 2019

☐ 08/11/2018 ☐ 22/12/2018

For = 40

Ag = 25

Ab = 0 (12.06)

☐ Not yet published ☐

Table 3 Draft resolutions approved

Initiative No.

☐ Title ☐ Date of Entry ☐ Discussion and Vote ☐ Date Resolution Published ☐

1/V/1♠ ☐ Visit of the President of the Republic of Timor-Leste to

Indonesia ☐ 18/06/2018 ☐ 21/06/2018

For = 62/95

Ag = 0

Ab = 0 ☐ 1/2018, 27 June ☐ 2/V/1♠ ☐ The election of Five Full Members and Five Alternate Members to the Board of the National Parliament ☐ 26/06/2018

(Election) ☐ 26/06/2018

For = 38/96

Ag = 3

Ab = 22 ☐ 2/2018, 4 July ☐ 3/V/1♠ ☐ The Election of Three Members to the Superior Council of Defence and Security. ☐ 03/07/2018

(Election) ☐ 03/07/2018

For = 57/95

Ag = 0

Ab = 3

Null = 2 ☐ 3/2018, 4 July ☐ 4/V/1♠ ☐ The Election of Five Members to the Council of State ☐ 09/07/2018

(Election) ☐ 09/07/2018

For = 63/96

Ag = 0

Ab = 0 ☐ 6/2018, 18 July ☐ 5/V/1♠ ☐ The Election of the National Delegation to CPLP's Parliamentary Assembly ☐ 09/07/2018

(Election) ☐ 09/07/2018

For = 61/95

Ag = 0

Ab = 1 ☐ 4/2018, 18 July ☐ 6/V/1♠ ☐ The Election of the Parliamentary Delegation to the Inter-Parliamentary Union (IPU) ☐ 09/07/2018

(Election) ☐ 09/07/2018

For = 63/98

Ag = 0

Ab = 1 ☐ 5/2018, 18 July ☐ 7/V/1♠ ☐ Visit of the President of the Republic of Timor-Leste to Portugal ☐ 09/07/2018

☐ 09/07/2018

For = 29/98

Ag = 35

Ab = 0 ☐ Parliament did not grant authorization ☐ 8/V/1♠ ☐ Adoption of the National Parliament's Action Plan and Budget for 2018 ☐ 01/08/2018

□ Adopted in general terms by the plenary

3/8/18 (16.45)

For = 36

Ag = 0

Ab = 9

Final Vote

3/8/18(18.53)

For = 40/66

Ag = 0

Ab = 3 □ 7/2018, 8 August □ □ 9/V/1 ♠ □ Resolution on the Termination of Decree-Law No. 3/2018, of 14 March (First Amendment to Decree-Law no. 3/2015, of 14 January - Adopting the National Basic Curriculum for Pre-School Education) □ 06/08/2018

FRETILIN and PD did not participate □ 06/08/2018

For = 34/54

Ag = 0

Ab = 1 □ 8/2018, 10 August □ □ 10/V/1 ♠ □ Resolution on the Termination of Decree-Law no. 4/2018, of 14 March (First Amendment to Decree-Law no. 4/2015, of 14 January - Adopting the National Basic Curriculum for the First and Second Cycles of Basic Education) □ 06/08/2018

FRETILIN and PD did not participate □ 06/08/2018

For = 34/54

Ag = 0

Ab = 1 □ 9/2018, 10 August □ □ 11/V/1 ♠ □ Visit of the President of the Republic of Timor-Leste to the United States □ 07/09/2018 □ 18/09/2018

For = 25/89

Ag = 33

Ab = 0 □ Parliament did not grant authorization □ □ 12/V/1 ♠ □ Resolution recommending to the Government the adoption of measures aimed at protecting and preserving the environment. □ 25/09/2018 □ 09/10/2018

For = 53/82

Ag = 0

Ab = 0 (12.28) □ 12/2018, 10 October □ □ 13/V/1 ♠ □ Resolution reiterating the Principles and Values of the Universal Declaration on Democracy □ 02/10/2018 □ 02/10/2018

For = 49/75

Ag = 0

Ab = 0 (12.33) □ 10/2018, 10 October □ □ 14/V/1 ♠ □ State's General Account for 2016 □ 05/01/2018 □ 04/10/2018

For = 55/84

Ag = 0

Ab = 0 □ 11/2018, 10 October □ □ 15/V/1 ♠ □ National Parliament's Own Budget for 2019 □ 09/10/2018 □ Adopted by the plenary in general terms

18/10/2018
For = 32/65
Ag = 0
Ab = 10 (15.47)

Final Vote

19/10/2018

For = 32/55

Ag = 0

Ab = 4 (19.14) □ 13/2018, 24 October □ □ 16/V/1 ♠ □ Visit of the President of the Republic of Timor-Leste to Indonesia □ 07/09/2018 □ 23/10/2018

For = 19/77

Ag = 31

Ab = 0 (15.58) □ Parliament did not grant authorization □ □ 17/V/1 ♠ □ Visit of the President of the Republic of Timor-Leste to Rome □ 07/09/2018 □ 05/11/2018

For = 26/94

Ag = 35

Ab = 0 (17.17) □ Parliament did not grant authorization □ □ 18/V/1 ♠ □ Election of the Ombudsman for Human Rights and Justice □ □ 5/11/2018

J: 38/94

H: 23 □ 14/2018, 6 November □ □ 19 □ Suspension of the Mandate of Member of Parliament Ant [nio Concei] ©o so that judicial proceedings may be pursued □ □ □ □ □

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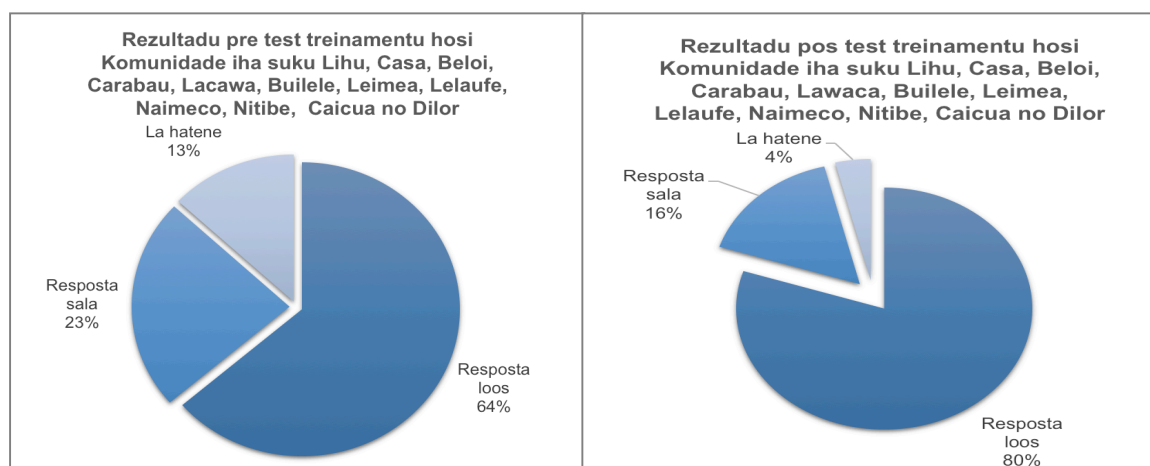
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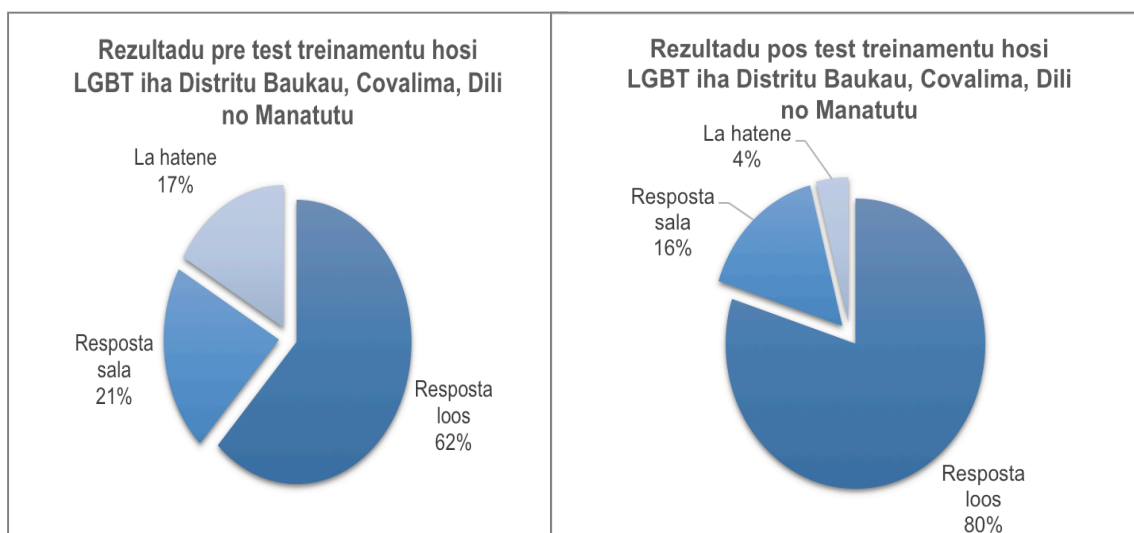
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Graph 14 Results of the pre-test and post-test for training on democracy and access to justice in the village

□ □

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Even though the first legislative session of the National Parliament of the V Legislature was only for a short period which was dominated by the political impasse, there were changes in the attendance of MPs in the plenary as well as participation in the legislative process and political decision making. However, there was no change regarding the issue of punctuality and this impacted on quorums in meetings of the plenary and the committees, which had a direct impact on the productivity of the National Parliament. Many important laws are required to provide solutions to social, political and judicial problems in the country, such as the Law Against Corruption, Law on Reparations and a Public Memory Institute, the Land Law, Law on the Creation of a Bar Association, Law on Child Protection, etc. The National Parliament had no national legislative program for the first legislature to guide the National Parliament so it could have a legislative plan for each legislative session.

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⁸⁴ Detallu kona-ba semináriu ne'e bele haree iha ne'e: http://jsmp.tl/wp-content/uploads/PrPWPSeminariuRegionalRAEOAOecussi_TETUM.pdf

interests.

Therefore, JSMP closes this report by making the following recommendations to the National Parliament:

To develop a National Legislation Program for each Legislature to give priority to important laws that have been pending for many years or that have expired in the National Parliament such as the Law on Reparations and a Public Memory Institute to ensure transitional justice for victims of past crimes; the Law Against corruption that can strengthen the work of the Public Prosecution Service and the Anti-Corruption Commission (CAC) in combatting corruption and the Law on the Creation of a Bar Association to strengthen the judicial system and access to justice, Land Law to guarantee access to land w Rai atu bele ensure everyone's right to access land, Law on Child Protection to guarantee and properly protect the rights of the child, and other important laws.

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 these important laws.

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.

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.

The National Parliament and relevant State institutions should actively involve the public in the legislative process and disseminate information about these 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.

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 work spaces to members of parliament to ensure the effective functioning of the National Parliament.

Annexes

The tables below show the laws, draft laws and draft resolutions approved by the National Parliament in 2018.

Table 1 Draft laws approved in 2018:

Initiative No. □ Title □ Date of Entry □ Date and results of vote □ Law/Statute No.

□□2/V/1♠ □First amendment to Law No. 13/2005, 2 September, the Law on Petroleum Activities□22/10/2018□Vote of endorsement (10/01/2019)

For = 41

Ag = 1

Ab = 0 (11.53)

□Still being appraised by the court □□

Table 2 Draft laws approved

Initiative No. □Title□Date of Entry□Date and results of vote□Law No.

□□1/V(1♠)□Law on an Exceptional Authorization Regarding Transfers from the Petroleum Fund (Urgent) □18/07/2018□20/07/2018

For = 35

Ag = 25

Ab = 3 (22:20)

□No. 1/2018, 10 August□□2/V(1♠)□The State Budget for 2018 (Urgent)

□08/08/2018□07/09/2018

For = 42

Ag = 9

Ab = 14 (10.22)□No. 2/2018 27 September □□3/V(1♠)□The State Budget for 2019

□08/11/2018□22/12/2018

For = 40

Ag = 25

Ab = 0 (12.06)

□Not yet published□□

Table 3 Draft resolutions approved

Initiative No.

□Title□Date of Entry □Discussion and Vote□Date Resolution Published □□

1/V/1♠□Visit of the President of the Republic of Timor-Leste to

Indonesia□18/06/2018□21/06/2018

For = 62/95

Ag = 0

Ab = 0□1/2018, 27 June□□2/V/1♠□The election of Five Full Members and Five Alternate Members to the Board of the National Parliament□26/06/2018

(Election)□26/06/2018

For = 38/96

Ag = 3

Ab = 22□2/2018, 4 July□□3/V/1♠□The Election of Three Members to the Superior Council of Defence and Security.□03/07/2018

(Election)□03/07/2018

For = 57/95

Ag = 0

Ab = 3

Null = 2□3/2018, 4 July□□4/V/1♠□The Election of Five Members to the Council of

State 09/07/2018

(Election) 09/07/2018

For = 63/96

Ag = 0

Ab = 0 6/2018, 18 July 5/V/1 ♠ The Election of the National Delegation to CPLP's Parliamentary Assembly 09/07/2018

(Election) 09/07/2018

For = 61/95

Ag = 0

Ab = 1 4/2018, 18 July 6/V/1 ♠ The Election of the Parliamentary Delegation to the Inter-Parliamentary Union (IPU) 09/07/2018

(Election) 09/07/2018

For = 63/98

Ag = 0

Ab = 1 5/2018, 18 July 7/V/1 ♠ Visit of the President of the Republic of Timor-Leste to Portugal 09/07/2018

09/07/2018

For = 29/98

Ag = 35

Ab = 0 Parliament did not grant authorization 8/V/1 ♠ Adoption of the National Parliament's Action Plan and Budget for 2018 01/08/2018

Adopted in general terms by the plenary

3/8/18 (16.45)

For = 36

Ag = 0

Ab = 9

Final Vote

3/8/18(18.53)

For = 40/66

Ag = 0

Ab = 3 7/2018, 8 August 9/V/1 ♠ Resolution on the Termination of Decree-Law No. 3/2018, of 14 March (First Amendment to Decree-Law no. 3/2015, of 14 January - Adopting the National Basic Curriculum for Pre-School Education) 06/08/2018

FRETILIN and PD did not participate 06/08/2018

For = 34/54

Ag = 0

Ab = 1 8/2018, 10 August 10/V/1 ♠ Resolution on the Termination of Decree-Law no. 4/2018, of 14 March (First Amendment to Decree-Law no. 4/2015, of 14 January - Adopting the National Basic Curriculum for the First and Second Cycles of Basic Education) 06/08/2018

FRETILIN and PD did not participate 06/08/2018

For = 34/54

Ag = 0

Ab = 1 □ 9/2018, 10 August □ □ 11/V/1 ♠ □ Visit of the President of the Republic of Timor-Leste to the United States □ 07/09/2018 □ 18/09/2018

For = 25/89

Ag = 33

Ab = 0 □ Parliament did not grant authorization □ □ 12/V/1 ♠ □ Resolution recommending to the Government the adoption of measures aimed at protecting and preserving the environment. □ 25/09/2018 □ 09/10/2018

For = 53/82

Ag = 0

Ab = 0 (12.28) □ 12/2018, 10 October □ □ 13/V/1 ♠ □ Resolution reiterating the Principles and Values of the Universal Declaration on Democracy □ 02/10/2018 □ 02/10/2018

For = 49/75

Ag = 0

Ab = 0 (12.33) □ 10/2018, 10 October □ □ 14/V/1 ♠ □ State's General Account for 2016 □ 05/01/2018 □ 04/10/2018

For = 55/84

Ag = 0

Ab = 0 □ 11/2018, 10 October □ □ 15/V/1 ♠ □ National Parliament's Own Budget for 2019 □ 09/10/2018 □ Adopted by the plenary in general terms 18/10/2018

For = 32/65

Ag = 0

Ab = 10 (15.47)

Final Vote

19/10/2018

For = 32/55

Ag = 0

Ab = 4 (19.14) □ 13/2018, 24 October □ □ 16/V/1 ♠ □ Visit of the President of the Republic of Timor-Leste to Indonesia □ 07/09/2018 □ 23/10/2018

For = 19/77

Ag = 31

Ab = 0 (15.58) □ Parliament did not grant authorization □ □ 17/V/1 ♠ □ Visit of the President of the Republic of Timor-Leste to Rome □ 07/09/2018 □ 05/11/2018

For = 26/94

Ag = 35

Ab = 0 (17.17) □ Parliament did not grant authorization □ □ 18/V/1 ♠ □ Election of the Ombudsman for Human Rights and Justice □ □ 5/11/2018

J: 38/94

H: 23 □ 14/2018, 6 November □ □ 19 □ Suspension of the Mandate of Member of Parliament Ant [nio Conceil] ©o so that judicial proceedings may be pursued □ □ □ □ □