



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

PARLIAMENTARY WATCH PROGRAM ANNUAL REPORT 2019



PARLAMENTO
NACIONAL
República Democrática de Timor-Leste



Working towards:

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



Civil Society Support Office, Office of the
Prime Minister



Governance for Development (GfD)/ CARDNO,
Australian Embassy in Timor-Leste

Vision

A democratic society that guarantees justice and human rights for everyone

Good Governance



Access to Justice

Advocacy



Education & Training

Sovereign Organs

Mission

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

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Table of Contents

Executive Summary	4
Introduction.....	9
National Parliament.....	11
Specialised Standing Committees	11
Productivity.....	12
Graph 1: Number of laws and resolutions between 2017-2019	12
Debating of laws in plenary meetings.....	13
Oversight (Monitoring).....	13
Punctuality	14
Attendance.....	15
Graph 2: Attendance of MPs in plenary meetings during 2019	15
Graph 3: Total percentage of attendances and justified/unjustified absences for MPs in plenary meetings	16
Graph 4: Unjustified absences for 5 or more consecutive days and non-consecutive unjustified absences for 15 days or more	16
Plenary Meetings.....	17
Graph 5: Plenary Meetings	18
Inappropriate behaviour and use of language in the plenary meetings.....	18
Removal of immunity	19
Committee A and Legislative Production	20
Appreciation for the good collaboration between Committee A and JSMP.....	22
Resolutions and ratification or accession to International Treaties and Conventions	23
Political Observations and Legislative Analysis.....	24
Cancellation of overseas trips by the President of the Republic.....	24
Draft Anti-Corruption Law.....	29
Graph 6: Number of corruption cases between 2017-2019	29
Provisions of Article 1475 of the Timor-Leste Civil Code on Marriage	31
Advocacy	33
Opinions and Analytical Summaries and Legislative Research	34
Public Meetings.....	35
Case Summaries.....	36
Graph 7: Number of cases monitored by JSMP from 2017-2019	37
Press Releases	38
Concerns of members of Village Councils and members of the LGBT Community	43
Graph 8: Results of the pre-test and post-test for training on democracy and access to justice for members of the village council and community members	46
Graph 9: Results of the pre-test and post-test for training on democracy and access to justice for the LGBTI group.....	47
Regional Seminars.....	47

Conclusions and Recommendations	48
Annex.....	50
Table listing the Laws approved by the National Parliament in 2019.....	50
Table 2 Draft legislation approved by the National Parliament in 2019:.....	51
Table 3 Draft legislation (Government bills) adopted by the National Parliament in 2019	51
Table 3 Draft resolutions approved by the National Parliament in 2019	51

Executive Summary

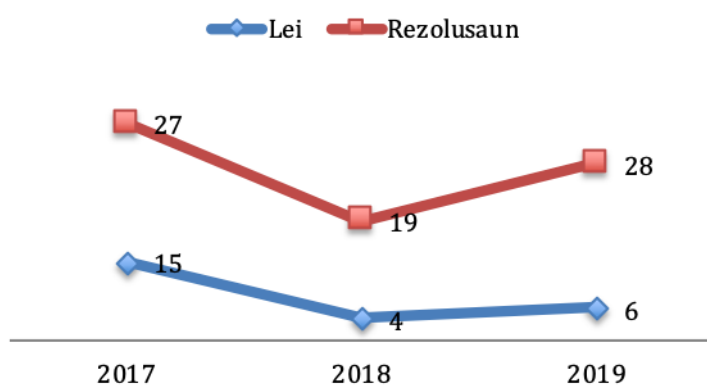
Pursuant to Article 92 of the Constitution, the National Parliament is the organ of sovereignty that represents all Timorese citizens and is vested with legislative, oversight and political decision-making powers.

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 then superseded by Law No. 12/2017 on the Organisation and Administrative Functioning of the Parliament, Law No. 4/2009 on the Legal Framework for Parliamentary Inquiries, Law No. 15/2009 as amended by Law No. 1/2016 on the National Parliament Rules of Procedure, Law No. 10/2016 approving the Statute of the staff of the National Parliament.

To effectively and efficiently exercise its constitutional powers, the National Parliament needs to establish Specialised Standing Committees to deal with specific issues. This process is set out in Article 26 (1) – (4), and the composition of members of these committees is set out in Article 27 and their competencies are set out in Article 35 of Law No. 15/2009 as amended by Law No. 1/2016. During the V Legislature the National Parliament established 7 Specialised Standing Committees dealing with issues grouped under thematic areas.

The Specialised Standing Committees carry out technical work that contributes to the productivity of the Parliament. In 2019 the National Parliament managed to produce or approve 6 laws and 28 resolutions.

Graph: Number of laws and resolutions between 2017-2019



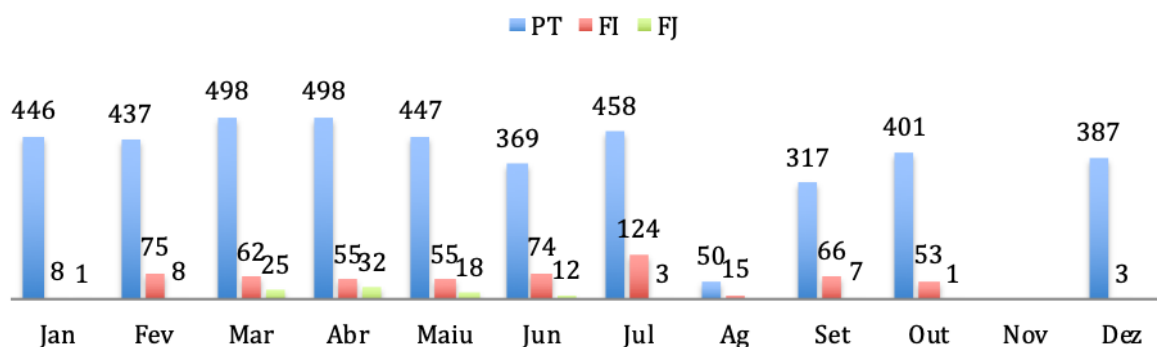
These laws and resolutions are approved through plenary meetings. The discussion and approval of laws in plenary meetings of the National Parliament often give priority to political party interests rather than the interests of the State and the people. Also, members of parliament often make speeches that are not related to the issues scheduled for the plenary meeting and this leads to unnecessary discussions.

In addition to making laws, another principal role of the National Parliament is to provide oversight (monitoring) as a political act to monitor the execution of the budget and Government program. The aim is to ensure that the Government implements its program and executes the budget in accordance with the Budget Law approved by the National Parliament. This is the supervisory role based on the principle of separation of powers and interdependence of powers set out in Article 69 of the Timor-Leste Constitution.

In the National Parliament, there are important factors that continue to influence the productivity of members of parliament, namely punctuality, knowledge of the Portuguese language, workspace, and the national legislative plan.

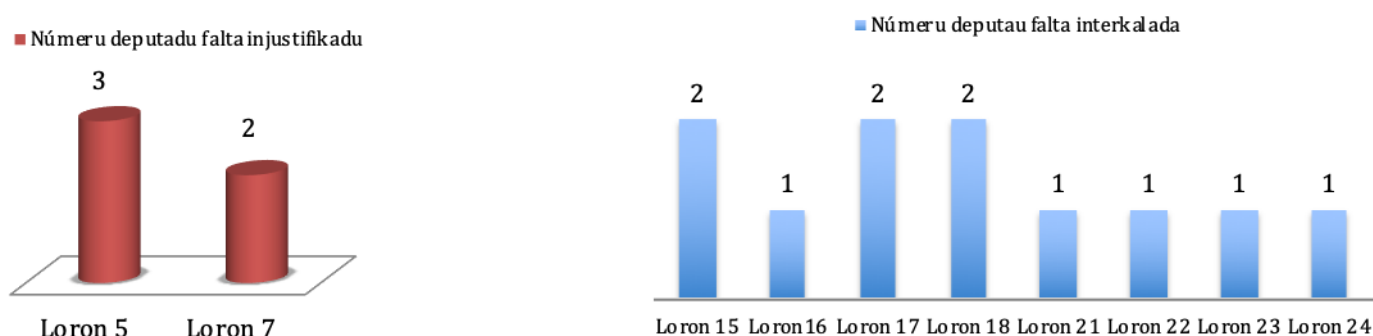
Punctuality continues to have a serious negative impact on the productivity of the National Parliament in terms of law making, oversight and political decision making in the national interest. When members of parliament are not punctual this has an impact on establishing “quorums” and the functioning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

Graph: Attendance of members of parliament in plenary meetings in 2019 based on total attendance (PT), unjustified absences (FI) and justified absences (FJ)



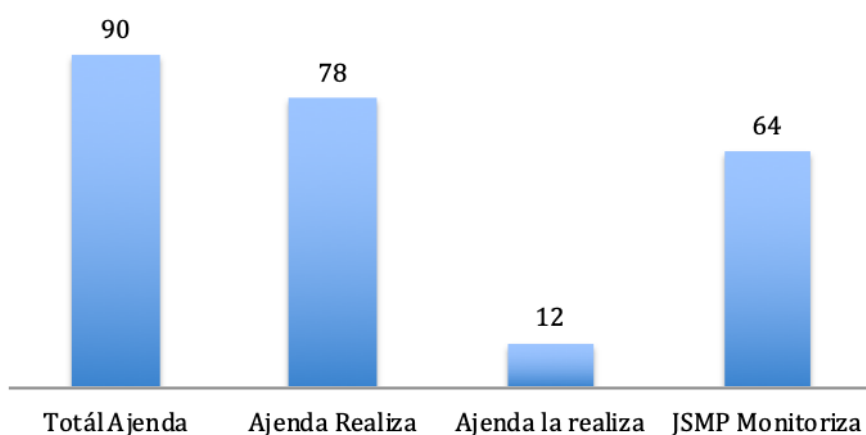
These unjustified absences also included consecutive unjustified absences for five or more days and also 15 or more days of non-consecutive unjustified absences which according to the Parliamentary Rules of Procedure would mean that the MP would lose his/her office.

Graph: Unjustified absences for 5 or more consecutive days and non-consecutive unjustified absences for 15 days or more.



The Parliament scheduled 90 plenary meetings in 2019 and the National Parliament managed to have 78 meetings and JSMP monitored 64 plenary meetings.

Graph: Plenary Meetings



In addition to regular monitoring of plenary meetings, JSMP also conducted regular monitoring of Committee A meetings. In 2019 JSMP managed to monitor 35 meetings of Committee A including one oversight activity of Committee A.

When JSMP was monitoring Committee A, it was noted that there were 5 draft laws that were pending even though these had been sent by the Chair of the Parliament to the Committee a long time ago. These laws were the Law Against Corruption, Law on a Bar Association, Electoral Law for Municipal Assemblies, Law on Local Power and Administrative Decentralization and also the Law on the Organisation of the Judiciary.

Members of parliament are members of the organs of sovereignty and representatives of the people, and the Timor-Leste Constitution guarantees them full immunity in the performance of their functions and competencies as set out in Article 94.1 of the Constitution and Article 8.1 of Law No. 15/2009 as amended by Law No. 1/2016 on the Parliamentary Rules of Procedure. Members of parliament are only liable for committing a crime carrying a prison sentence of more than five years as set out in Article 8.2 of the Parliamentary Rules of Procedure and the immunity process is set out in Article 8.3, 8.4 and 8.5 of the Parliamentary Rules of Procedure.

In 2019 the process to remove the immunity of members of the national parliament started to show some positive changes or progress in relation to the mechanism for removing immunity as set out in the Parliamentary Rules of Procedure.

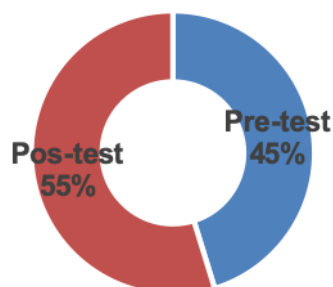
In addition to the functioning of the National Parliament, JSMP also made political observation and analysis of some legislative issues that occurred in 2019. These issues included cancelling overseas trips by the President of the Republic, rejection of the 2020 State Budget, the draft Law Against Corruption and the provisions of Article 1474 of the Timor-Leste Civil Code.

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

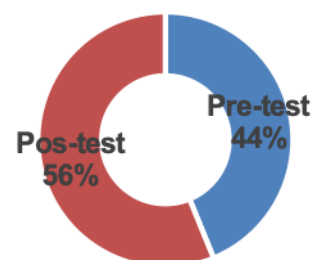
To date JSMP has provided advocacy by regularly submitting opinions, having meetings, writing analytical summaries on legislative and policy related matters, making TV programs, radio programs, producing press releases, cases summaries and publishing information on the JSMP website and FB, and also in the Timor Post and *Diário Nacional* newspapers. Also, JSMP has provided advocacy by participating in national and international human rights and justice networks.

In 2019 JSMP produced and published 11 opinions and research and legislative summaries, had 6 meetings with relevant parties from the justice sector, the legislative and executive branches on issues where JSMP is providing advocacy, prepared 40 case summaries, 45 press releases, and facilitated 17 training sessions for members of Village Councils, community members, the disabled and members of the Lesbian, Gay, Bisexual, Transgender and Intersex community (LGBTI) in the jurisdictions of the four district courts.

Rezultadu treinamentu ba comunidade



Rezultadu treinamentu ba LGBTI



In addition to training, JSMP has also organized regional seminars in the jurisdiction of the courts to invite representatives from the National Parliament, the courts, the Public Prosecution Service and the Office of the Public Defender to attend and make presentations about their work, success and challenges. JSMP has presented its findings about legislative and justice issues to participants based on monitoring conducted at the courts and the National Parliament.

The topics covered in the regional seminars have included training materials about democracy, the role of sovereign organs, public participation in the law-making process and access to formal justice.

The aim of these seminars has been to facilitate direct contact between members of parliament (MPs) and judicial actors with the community under the title of ‘community meets leaders’. Therefore, participants have been able to directly convey their concerns and issues to leaders. Participants in these seminars have included representatives from village councils and members of the LGBTI community who have received the training.

Based on monitoring, research, analysis, advocacy, and noting the concerns of community members, JSMP has compiled this report with some recommendations to the National Parliament to:

- 1) Create a separate law regarding the suspension of mandate or removing the immunity of MPs in accordance with the provisions of Article 94 of the Timor-Leste Constitution and Article 8 of Law No. 15/2009 as amended by Law No. 1/2016 on the Rules of Procedure of the National Parliament . This separate law could describe in detail the types of crimes that would fulfill the criteria for removing immunity as well as the corresponding procedures, from a political, administrative and judicial viewpoint.
- 2) Uphold the national interest and avoid individual or political party interests when discussing or making decisions in the national interest.
- 3) Create a follow-up mechanism on what the Government can do to respond to recommendations in monitoring reports and issues raised by members of parliament in the plenary.
- 4) Develop a National Legislative Program for each Legislature to give priority to important laws, especially laws that can ensure the achievement of constitutional norms, especially programmatic norms relating to the exercise of fundamental rights, social rights and guarantees.
- 5) Priority should be given to scheduling pending draft laws or those that have expired, especially draft laws that have been with the parliament for many years, such as the Law

Against Corruption, Law on Local Power and Administrative Decentralization, Electoral Law for Municipal Assemblies, Law on a Bar Association, Law on Mining, Law on Reparations, Law on Public Memory, Child Protection Law, Law on Juvenile Justice etc.

- 6) Amend the provisions of Article 1475 of the Civil Code to ensure the rights of all citizens to access public services offered by the State relating to marriage documents from other religious faiths in addition to the Catholic faith.
- 7) 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 and effectively speed up the development of these important laws.
- 8) Apply disciplinary sanctions against members of parliament that violate the Parliamentary Rules of Procedure, to prevent such behaviour from occurring in the future.
- 9) 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.
- 10) Disseminate information or raise awareness about laws that the parliament produces and are in force in Timor-Leste to all community members in remote areas.

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, human rights and justice through monitoring, legal education and advocacy”.

The Parliamentary Watch Program (POP) is a unit that was established in 2010 to monitor the work and functioning of the National Parliament as an organ that represents the people and is vested with legislative, supervisory and political decision-making powers as set out in the Constitution of the Democratic Republic of Timor-Leste.

Through its monitoring activities, JSMP has also actively and effectively contributed to the legislative process through meetings and submitting opinions to the National Parliament in relation to legislative issues. .

In addition to monitoring and advocacy activities, JSMP also disseminated relevant information about democracy, the functions of the National Parliament and other State organs, public participation in the law-making process and access to formal justice. The dissemination of this information focused on members of village councils in remote village communities and

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

vulnerable groups such as disabled persons and members of the Lesbian, Gay, Bisexual, Transgender and Intersex community (LGBTI).

JSMP has also acted as an intermediary between the community, vulnerable groups and the sovereign organs, in particular the National Parliament and other institutions from the justice sector. The intention was to help relevant parties to communicate and channel their information to each other in relation to their respective roles and competencies to encourage the people to find out about how to actively participate in the national development process and consolidation of the State.

In addition, JSMP also organized regional seminars in each jurisdiction to facilitate direct contact between members of the village councils, village residents, members of the LGBTI community and disabled persons who have received information from JSMP and members of the National Parliament and judicial actors. Therefore, these parties could deepen their knowledge and convey their concerns directly to the representatives of sovereign organs and institutions from the legislative and justice sectors

In this report JSMP will also make observations and provide analysis about some relevant political and legislative issues such as the National Parliament not authorizing the President of the Republic to travel overseas, rejection of the 2020 State Budget in the National Parliament, the Draft Law Against Corruption as well as the provisions in Article 1475 of the Timor-Leste Civil Code on Marriage.

In the section on monitoring of the National Parliament, JSMP will discuss issues about its productivity in relation to the punctuality of members of parliament in plenary meetings and meetings of the Standing Committees. This section will discuss how punctuality impacts on the work of the National Parliament in terms of its legislative, supervisory and political decision-making powers in 2019. In addition, JSMP has observed the issue regarding the use of unethical and inappropriate language by some MPs when making speeches in plenary meetings.

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

In relation to the concerns of communities, JSMP will outline concerns conveyed by communities and vulnerable groups during training conducted by JSMP. 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 in relation to the concerns compiled by JSMP and recommendations for improvement.

The structure of the report is as follows:

- ✓ Part 1 Introduction
- ✓ Part 2 Functioning of the National ParliamentPart 3 Political Observations and Legislative Analysis
- ✓ Part 4 Advocacy

- ✓ Part 5 Concerns of Communities
- ✓ Part 6 Regional Seminars
- ✓ Part 7 Conclusions and Recommendations
- ✓ Part 8 Annex

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 the Constitution.

When the National Parliament exercises its powers and performs its duties in accordance with the competencies provided in the Constitution, the National Parliament needs to adhere to the legal framework that sets out the structure, organization, functioning, administration, management and investigative process. These laws are Law No. 4/2002 Organic Law of the National Parliament³ superseded by Law No. 15/2008⁴ superseded by Law No. 12/2017 on the Organisation and Administrative Functioning of the Parliament⁵, Law No. 4/2009 Legal Framework for Parliamentary Inquiries⁶, Law No. 15/2009⁷ superseded by Law No. 1/2016 on the National Parliament Rules of Procedure⁸ and Law No. 10/2016 approving the Statute of the staff of the National Parliament.⁹

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.

² Please refer to the electronic version of the Timor-Leste 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

The Specialised Standing Committees consist of MPs indicated by the parliamentary benches and the composition respects the proportional representation of the parliamentary benches. No parliamentary bench may indicate one of its MPs to more than one Specialised Standing Committee, unless the parliamentary bench does not have enough MPs, and in this case never more than two Specialised Standing Committees, as set out in Article 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. The Specialised Standing Committees are:

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

Based on JSMP's observations as well as data from the Technical Secretariat of the National Parliament, in 2019 the Specialised Standing Committee that had the greatest responsibility and work load was Committee C with competence to monitor Budget and Public Finance policies including the annual State Budget, the Execution of the State Budget, the State's General 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 and evaluating proposals and draft laws initiated by the National Parliament and draft laws from the Government.

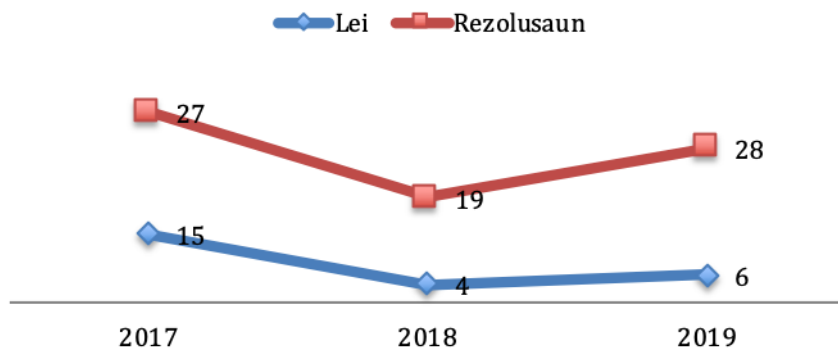
Productivity

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

The productivity of the National Parliament in 2019 can be measured in terms of the total number of laws and resolutions approved as well as monitoring conducted. The laws and resolutions approved by the National Parliament comprise draft laws and resolutions initiated by the Parliament itself and draft laws and resolutions presented by the Government.

In 2019 the National Parliament managed to produce or approve 6 laws and 28 resolutions.

[Graph 1: Number of laws and resolutions between 2017-2019](#)



The graph above shows the impact of the political

situation on the productivity of the National Parliament in relation to the law-making process. The productivity of the National Parliament started to decline in 2017 after the parliamentary elections where the VII Constitutional Government had a parliamentary minority. Then a range of political precedents occurred that resulted in early elections in 2018 and the VIII Constitutional Government was established. Even though this Government had a parliamentary majority, there was still no stability of governance, because members of the Majority Parliamentary Coalition (AMP) from the parliamentary bench of CNRT voted against the 2020 State Budget.

Debating of laws in plenary meetings

JSMP is genuinely concerned that the scheduling of discussion and approval of laws in plenary meetings of the National Parliament often give priority to political party interests rather than the interests of the State and the people. Members of parliament often make speeches that are not related to the issues scheduled for the plenary meeting and this leads to unnecessary discussions.

JSMP has noted that in plenary meetings of the National Parliament, members of parliament debate and approve or vote against a law purely based on their political orientation, rather than conducting a thorough analysis of these laws when exercising their functions. They do not vote in accordance with their conscience and conviction as representatives of the entire community.

JSMP believes that these acts have implications on the individual credibility and productivity of members of parliament who are representing the entire community in this sovereign organ of the State when they are performing their functions to make laws or conducting thorough analysis of issues linked to the interests of the people.

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

Oversight (Monitoring)

Parliamentary oversight is a function and political role of the Parliament to monitor the execution of the budget and implementation of Government activities. The aim is to ensure that the Government implements its program and executes the budget in accordance with the Budget Law approved by the National Parliament. This is the oversight role based on the principle of

separation of powers and interdependence of powers set out in Article 69 of the Timor-Leste Constitution.

The parliament exercises this competence through the Specialised Standing Committees by going out into the field and listening to members of communities who are the beneficiaries of Government programs and then they present their findings to the plenary so the Parliament can make decisions about reporting on Government activities that have been monitored, especially those linked to the execution and assessment of decree laws.

JSMP has observed that the findings of these monitoring reports that are evaluated in the plenary of the National Parliament had no practical effect or there were no changes to the way that Government programs were executed during 2019. This is because many of the issues mentioned in the monitoring reports that are passed on by the Chair of the Parliament to the Government continue to be issues of concern for MPs who question these issues in the speeches in the plenary of the National Parliament.

So far JSMP has noted that the following important issues have not been addressed by the Government, namely: clean water and sanitation, lack of school facilities, school feeding, the payment of 143 projects that are still pending, although some payments have been received and there has been maintenance of irrigation and reservoirs to ensure farmers can increase their production and avoid flooding when there are heavy rains.

Often members of parliament raise these issues in their speeches in the plenary and also continue to report them in their monitoring reports, but in reality the Government continues to fail or does not follow up with implementation or give priority to these issues.

The Parliament has failed to ensure that the recommendations from its monitoring of the Government are followed up and reports are not presented to the Government on time to allow the Government to include these recommendations in the Government's annual program plan.

Punctuality

In the National Parliament, there are important factors that continue to influence the productivity of members of parliament, namely punctuality, knowledge of the Portuguese language, work space and a national legislative plan.

The schedule for the work of the National Parliament in relation to plenary meetings and meetings of the Specialised Standing Committees is set out in Article 46.2 of Law No. 15/2009 as amended by Law No. 1/2016 on the Rules of Procedure of the National Parliament. The provisions state that meetings of the plenary and the committees take place between 09:00 and 12:30 during the morning session, and between 15:00 and 18:00 during the afternoon session.

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

Punctuality continues to have a serious negative impact on the productivity of the National Parliament in terms of law making, oversight and political decision making in the national

interest. When members of parliament are not punctual this has an impact on establishing “quorums” and the functioning of meetings of the plenary and specialized committees and their deliberations based on the approved agenda.

According to the provisions of Article 47 (1) on meetings of the plenary, the plenary can proceed when at least one third of effective MPs are present. 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 Standing 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.

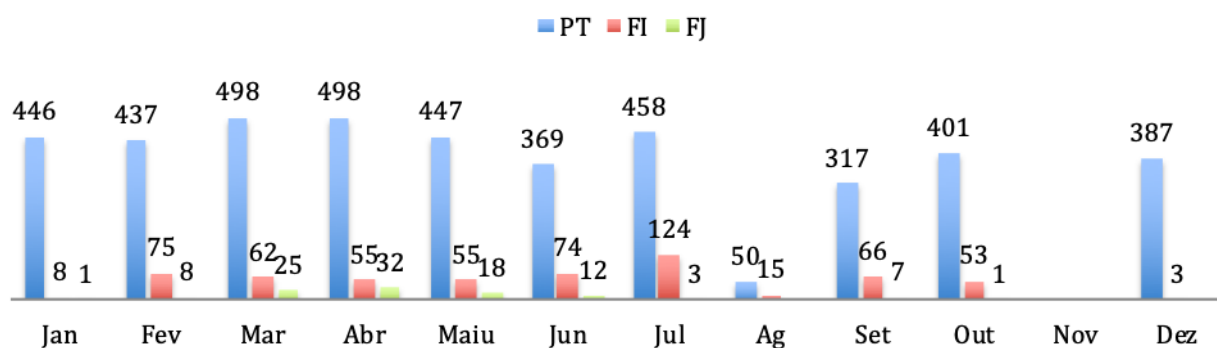
In relation to this issue, JSMP has made frequent recommendations in its reports for the National Parliament to take action against members of parliament who do not adhere to the schedule, to provide a solution to this problem and to prevent other members of parliament from making the same mistake.

Attendance

JSMP has observed the attendance of MPs in plenary meetings based on data regarding their attendance between January-December 2019.

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

Graph 2: Attendance of MPs in plenary meetings during 2019¹⁰

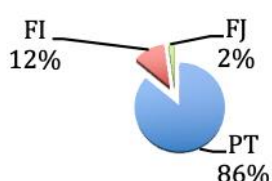


¹⁰ In November the National Parliament scheduled two plenary meetings, but only managed to hold one plenary meeting. JSMP did not manage to obtain data on the attendance at this meeting, and therefore it is not included in the graph above.

The graph on the attendance of members of parliament in 2019 shows that number of unjustified absences is high compared to the number of justified absences. JSMP believes that the National Parliament is not setting a good example for the public. Members of parliament are allowed to be absent, but according to the Parliamentary Rules of Procedure there needs to be justification, and this is a good practice for any public or private organ, institution and organization.

The graph below shows that 12% of MPs were absent without justification from 78 plenary meetings in 2019.

Graph 3: Total percentage of attendances and justified/unjustified absences for MPs in plenary meetings



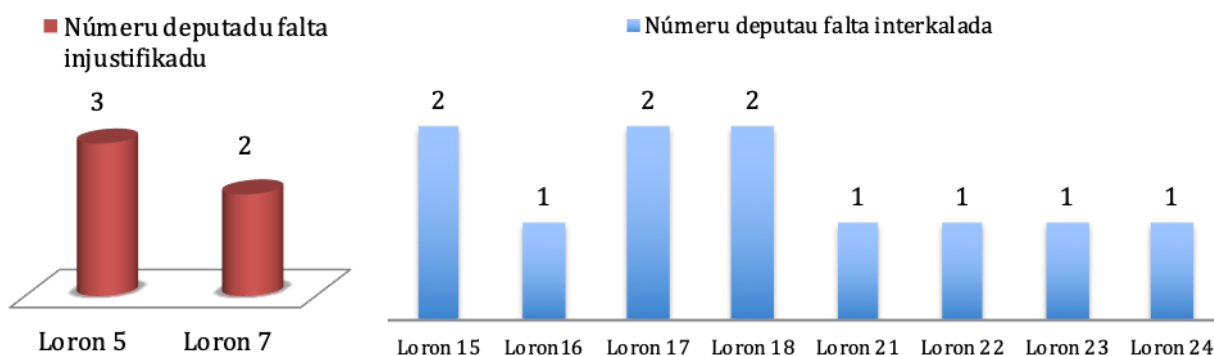
The graph shows that total attendance was just 86% with a total number of 4138 attendances. There were 12% of unjustified absences with a total number of 568, and 2% of justified absences with a total number of 104.

The percentage of unjustified absences each year is always high in comparison with justified absences.

These unjustified absences also included consecutive unjustified absences for five or more days and also 15 or more days of non-consecutive unjustified absences which according to the Parliamentary Rules of Procedure would mean that the MP would lose his/her office. According to Article 7.1 a) of Law No. 15/2009 as amended by Law No. 1/2016 on the Parliamentary Rules of Procedure a member of parliament shall forfeit his/her office if without a justification, he or she does not take his or her seat in the National Parliament by the fifth plenary session, or he or she fails to attend five consecutive sessions of the Plenary or committees, or he or she fails to attend on fifteen intercalated occasions without justification.

Graph 4: Unjustified absences for 5 or more consecutive days and non-consecutive unjustified absences for 15 days or more¹¹

¹¹ JSMP obtained data for 11 months of attendance, as shown in this graph, because there was no data on attendances for November. If all data was available, the number of MPs who have violated the Parliamentary Rules of Procedure might be higher.



Even though members of parliament violated the Parliamentary Rules of Procedure, the National Parliament has never taken action in accordance with legal provisions, and therefore members of parliament have kept their office and continue this practice. This is not a good practice and habit for a sovereign organ that represents the people by making laws, where the members themselves do not comply.

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. If the National Parliament applied sanctions against members of parliament who do not adhere to their obligations to ensure the full and effective functioning of the National Parliament in the exercise of its constitutional powers, this would deter any other MPs from setting bad precedents in the future.

Plenary Meetings

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

Based on data that JSMP obtained from the Technical Secretariat of the National Parliament, the National Parliament scheduled 90 plenary meetings.¹² The Parliament scheduled 90 plenary meetings in 2019 and the National Parliament managed to have 78 meetings and JSMP monitored 64 plenary meetings.

Graph 5: Plenary Meetings



JSMP monitored plenary meetings in the National Parliament in 2019 relating to discussions and speeches of members of parliament in the so-called “period before the agenda” (*antes ordem do dia*). These meetings appraised monitoring reports or a range of issues or discussions and votes on draft laws and resolutions submitted by the Government to the National Parliament, draft laws and resolutions initiated by the National Parliament itself. This is the agenda for normal plenary meetings as well as extraordinary plenary meetings.

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

Inappropriate behaviour and use of language in the plenary meetings

JSMP is concerned that some MPs in the National Parliament use unethical and inappropriate language, including yelling at each other during plenary meetings.

This is not the first time that JSMP has observed such practices and behaviour in the National Parliament. JSMP has often questioned this behaviour through its annual reports. This behaviour starts with the use of inappropriate language, MPs moving around during the plenary as well as having their own individual discussions with each other, group discussions outside even though the plenary has started, attending to video calls even though the alarm has rung to start the

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

plenary. These members of parliament have ignored the rules and procedures that apply in the National Parliament, including starting and finishing work on time.

In some cases noted by JSMP, members of the national parliament were reading out information and shouting at other MPs from the Chair of the National Parliament and using language that ideally should not be used in parliament, a place where the distinguished members of parliament perform their duties as representatives of the people. They say things like “Don’t interrupt me” and other things when MPs remind them of the time and demonstrate their sentiments or expressions of dissatisfaction.

JSMP has observed that members of parliament should demonstrate a high standard through their political speeches which includes the language they use in plenary meetings, so they can uphold the dignity of the National Parliament as a sovereign organ and as representatives of the people.

Law No. 15/2009 on the Parliamentary Rules of Procedure also deals with speaking or appropriate language for the plenary meeting. The floor is given by the President of the Chair of the National Parliament as set out in Article 63.1 of Law No. 15/2009 and the Rules prohibit members of parliament from using words to offend other MPs or speaking inappropriately or unethically as set out in Article 65 of Law No. 15/2009.

JSMP believes that it is important for the Chair of the National Parliament to raise awareness and reiterate these procedures to the members of parliament in each plenary session to prevent members of parliament using unethical language or language filled with insults in the parliament which violate the Rules of Procedure.¹³

Removal of immunity

Members of parliament are members of the organs of sovereignty and representatives of the people, and the Timor-Leste Constitution guarantees them full immunity in the performance of their functions and competencies as set out in Article 94.1 of the Constitution and Article 8.1 of Law No. 15/2009¹⁴ as amended by Law No. 1/2016 about the Parliamentary Rules of Procedure.¹⁵ Members of parliament are only liable for committing a crime carrying a prison sentence of more than five years as set out in Article 8.2 of the Parliamentary Rules of Procedure and the process to remove their immunity is set out in Article 8.3, 8.4 and 8.5 of the Parliamentary Rules of Procedure.

Based on JSMP observations, in 2019 the removal of immunity of members of the national parliament started to show some really positive changes or progress in relation to the mechanism for removing immunity as set out in the Parliamentary Rules of Procedure.

¹³ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrPWPParlamentuUzaLiafuanLaETIKU_Tetum.pdf

¹⁴ Please refer to the electronic version of this law at: http://www.mj.gov.tl/jornal/public/docs/2009/serie_1/serie1_no40.pdf

¹⁵ 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

According to data obtained by JSMP, permission was given to remove the immunity of seven MPs¹⁶ and permission was not given to remove the immunity of one other MP, because the request was not properly substantiated.

In the case of MP José Agostinho Sequeira a.k.a Somotxo, permission was not given by the National Parliament to attend to a request from the court to appear as a witness at the Suai District Court in a case involving the illegal possession of guns. In the opinion of Committee A of the National Parliament it was recommended that this case involved State secrets and therefore it was recommended for the court to dismiss this case to avoid harming bilateral relations between Timor-Leste and Indonesia.

Meanwhile, in relation to the written request to remove the immunity of MP with the initials F.K L, members of parliament argued that the request sent not properly substantiated and asked for the Public Prosecution Service to prepare a new request, but meanwhile the aforementioned MP has been substituted by another MP and according to information received this defendant has responded to investigations by the Public Prosecution Service.

JSMP has observed that even though there is progress, there is still some confusion about the correct process for removing immunity, especially in relation to the scheduling of trials because the courts do not set a fixed date or provide details about the date and time that a trial will start and finish.

Therefore, JSMP believes that the National Parliament needs to create a separate law that specifically deals with crimes that could result in the removal of immunity, with procedures for suspension and or removing the immunity of member members of parliament according to the Constitution and the Parliamentary Rules of Procedure. The National Parliament can clarify also that this suspension applies from the time that legal proceedings are initiated (when the indictment is submitted) until proceedings finish or there is a final decision, including appeals and other appropriate measures to guarantee the trial process.

Committee A and Legislative Production

In addition to regular monitoring of plenary meetings, JSMP also conducted regular monitoring of Committee A meetings. In 2019 JSMP managed to monitor 35 meetings of Committee A¹⁷ including one oversight activity of Committee A.

Committee A is a Specialized Standing Committee that deals with issues of constitutionality and justice. The competencies of the Specialized Standing Committees are set out in Article 35 of the Parliamentary Rules of Procedure.

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 of 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

¹⁶ Please refer to the Parliament website: <http://www.mj.gov.tl/jornal/?q=node/19>

¹⁷ Please refer to the Parliament website: <https://www.parlamento.tl/node/412>

summoning any members of Public Administration bodies to provide information on matters related to their areas of competence.

When JSMP was monitoring Committee A, it was noted that there were still 5 draft laws that have been pending for a long time, although they had been sent by the Chair of the Parliament to the Committee a long time ago. These laws were the Law Against Corruption, Law on a Bar Association, Electoral Law for Municipal Assemblies, Law on Local Power and Administrative Decentralization and also the Law on the Organisation of the Judiciary.

JSMP observed that in relation to the Law Against Corruption specific discussion and approval had only started on Article 22. Meanwhile, public consultations were being held regarding the draft Electoral Law for Municipal Assemblies, and draft Law on Local Power and Administrative Decentralization, and there was no progress with the other two draft laws.

JSMP considers Committee A to be like the engine room of the National Parliament and a lot of the work that this Committee does is related to responding to petitions from the community, conducting monitoring and having consultations with State entities and appraising requests to remove immunity and notifications that are submitted to the National Parliament in the form of Committee opinions.

However, JSMP has noted many irregularities with the work of Committee A, especially in relation to a lack of punctuality and unjustified absences which often impact on the scheduling of discussions which continue to be delayed and affect the productivity of the Committee.

In its reports JSMP has often recommended for the Chair of the Parliament and the President of Committee A to take disciplinary measures in accordance with the Rules of Procedure to oblige members of parliament to carry out their work on time and any absences must be justified.

In addition, JSMP also noted that in 2019 Committee A was not very productive, even though many pending draft laws were scheduled for discussion. However, members of parliament often did not attend 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.

During this period JSMP also noted that important agenda items on the discussion of three (3) draft laws that were sent to the Committee by the Chair of the Parliament at the start of the legislative session are still pending, namely the Law Against Corruption and Law on Local Power and Administrative Decentralization and Electoral Law for Municipal Assemblies.

These three draft laws, especially the Law Against Corruption, have only reached the specific discussion stage to approve Article 22 of Chapter I. Committee A plans to continue the specific discussion and approval of the draft Law Against Corruption after experts prepared draft Chapters II and III which focus on the issue of illegal enrichment and the issue of prevention so it can then be finalised.

Meanwhile one public consultation was held in 2020 for the draft Law on Local Power and Administrative Decentralization and draft Electoral Law for Municipal Assemblies.

Also, data provided by the parliamentary technical team shows that the activities carried out by the other standing committees during the period between January and December 2019 were quite limited in terms of law making and most work focused on monitoring. In terms of legislative work, there were four new draft laws that the Chair of the Parliament sent to the Specialised Standing Committees, with three draft laws sent to Committee A, and one draft law sent to Committees C and D, but until now these Committees have not yet finalized these laws and they are still pending and the Committees are only carrying out monitoring out in the field.

For many years JSMP has observed that the Specialised Standing Committees do not really give priority to legislative work sent to them by the Chair in comparison with monitoring, with a very high number of trips in 2019. Therefore, their legislative activities have not progressed well which means that draft laws are still pending before the Committees and this impacts on the activities of the National Parliament and its overall productivity.

Another issue is that there are not many draft laws sent to some of the Specialised Standing Committees because the National Parliament itself does not have a 5 year National Legislative Program and JSMP has also noted that often the Parliament tells the public about its commitments to a plan when a new legislative session commences, but this commitment is often unfulfilled, for example in relation to the draft Law Against Corruption and others.

JSMP has also noted issues with the work of the Committees, because the Chair of the Parliament has not taken any action to demand for the Specialised Standing Committees to be held responsible for the draft laws sent to them to be finalized within a certain period of time as set out in a notification from the National Parliament.

JSMP has often recommended for the National Parliament to establish a National Legislative Program for the five-year mandate of the legislature. This would guide their work, especially on issues that fall within the exclusive competence of the National Parliament. The establishment of such a program will mean that the Parliament is not so dependent on draft laws and initiatives from the Government.

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

Appreciation for the good collaboration between Committee A and JSMP

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

In addition to good collaboration, Committee A always considers JSMP thoughts expressed in JSMP opinions that are presented, particularly in relation to including some articles in the draft

Law Against Corruption, and in an opinion to the Committee to be reported to the plenary. These opinions provide an a particularly good opportunity for JSMP to continue its work relating to justice, human rights and the law.¹⁸

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

Resolutions and ratification or accession to International Treaties and Conventions

Resolutions are a political act of the National Parliament, as Article 92 of the Timor-Leste Constitution states that the parliament is vested with political decision-making powers, in addition to legislative and supervisory powers.

Based on JSMP observation, and Parliamentary data, in 2019 the National Parliament approved 27 draft resolutions¹⁹ submitted by the national parliament and 1 draft resolution.

The draft resolutions approved by the Parliament are linked with important issues such as approving requests for suspension and permission to remove the immunity of 7 MPs, votes of condolences for important national figures and persons, election of Commissioners to the Anti-Corruption Commission, approval of the 2017 State General Account on the recommendation formulated by the Chamber of Commerce regarding the Financial Audit Report for the Special Administrative Region Oecusse-Ambeno (RAEOA) and the Special Zone for Social Market Economy for Oecusse-Ambeno and Ataúro (ZEESM), of supplements and subsidies for holders of managerial positions and staff of the National Parliament, establishment of a Youth Parliament Program, establishment of 'Listening to the People' Program, the election of one member as a representative of the Petroleum Fund Consultative Council, election of members to the National Parliament's Board and approving the budget of the National Parliament.

In addition to these issues, there were two resolutions relating to ratification and accession to International Treaties and Protocols, namely the Maritime Border Treaty between Timor-Leste and Australia and recommendation to the Government to adopt measures Relating to the Protection of Disabled Persons.

The National Parliament is competent to ratify accession to international treaties, conventions and agreements, to approve and denounce any international instruments and apply them in the national territory or internal legal system of Timor-Leste, as provided for in Article 95.3 (f) of the Timor-Leste Constitution.

The legal system of Timor-Leste shall adopt the general or customary principles of international law and apply them in the internal legal system following their ratification by the National Parliament and after publication in the official gazette as set out in Article 9.1 and 9.2 of the Timor-Leste Constitution.

¹⁸ Please refer to the JSMP website: <http://jsmp.tl/wp-content/uploads/PRKomisaun-A-PN-konsidera-rekomendasaun-JSMP-balun-ih-Projetu-Lei-Anti-Korrupsaun.pdf>

¹⁹ Please refer to the MJ website: <http://www.mj.gov.tl/jornal/?q=node/19>

JSMP observed that members of parliament in the plenary of the National Parliament did not fully participate in the discussion and approval of these resolutions in comparison with the discussion and approval of the Draft 2020 State Budget which saw their full participation. This behaviour continues to occur. Therefore, JSMP thinks that it is important for the Chair of the Parliament to address this issue and take measures in accordance with Rules of Procedure against members of parliament who are not interested in discussing these resolutions.

Political Observations and Legislative Analysis

In this section JSMP presents its critical observations about the political situation in the country, in relation to the National Parliament which has had a massive impact on the interests of the people and the nation. The political situation observed by JSMP and mentioned in this report relates to the National Parliament cancelling the overseas visits of the President of the Republic on four consecutive occasions and the rejection of the 2020 State Budget at the National Parliament. In addition, JSMP also observed the legislative process at the Parliament, particularly the draft Law Against Corruption as well as analysis and interpretation of Article 1475 of the Timor-Leste Civil Code on marriage.

Cancellation of overseas trips by the President of the Republic

According to the democratic rule of law, organs of sovereignty, in their reciprocal relationship and exercise of their functions, shall observe the principle of separation and interdependence of powers established in Article 69 of the Constitution. The aim is to ensure that when exercising their power, the sovereign organs should not interfere with each other, and there needs to be checks and balances in relation to the exercise of their respective powers. Therefore, if the President of the Republic is going to visit another nation, consent or approval must be given by the National Parliament as set out in Article 95.3 h) of the Timor-Leste Constitution.

In 2019 the National Parliament exercised this constitutional competence through the Majority Parliamentary Coalition (AMP) which rejected or did not give approval for the President of the Republic to travel overseas on four consecutive occasions. The details regarding the cancellation of these trips are as follows:

- 1) On 9 July 2019 the National Parliament 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.²⁰
- 2) On 7 September 2019 the National Parliament prepared Draft Resolution No. 11/V/1 on a visit by the President of the Republic to the United States, and on 18 September 2019 the Parliament voted on Draft Resolution No. 11/V/1 and via an absolute majority the Parliament rejected the visit of the President of the Republic to the United States.
- 3) Draft Resolution No. 16/V/1 on a visit by the President of the Republic to Indonesia, and on 23 October 2019 the Parliament voted on Draft Resolution No. 16/V/1 and via a simple majority the Parliament rejected a visit of the President of the Republic to Indonesia.²¹

²⁰ In this vote, 29 MPs voted in favour, 34 voted against, and none of the 64 MPs abstained.

²¹ In this vote, 19 MPs voted in favour, 31 voted against, and none of the 50 MPs abstained.

- 4) On 7 September 2019 the National Parliament prepared Draft Resolution No. 17/V/1 on a visit by the President of the Republic to the Vatican, in Rome, and on 5 November 2019 the Parliament voted on Draft Resolution No. 17/V/1, and via an absolute majority the Parliament rejected a visit by the President of the Republic to the Vatican, in Rome.²²

Based on JSMP observations and research, the National Parliament did not authorize the publication of these four resolutions rejecting visits by the President of the Republic overseas.²³

Based on JSMP's consideration, analysis and interpretation, the main reason for the National Parliament to cancel the trips of the President of the Republic to other nations was the decision by the President of the Republic to refuse the appointment of 11 members of government to the VIII Constitutional Government in 2019.

These political acts of the Parliament were made by the Majority Parliamentary Coalition (AMP) which formed the VIII Constitutional Government. Therefore, JSMP sees these political acts as counterproductive, or in other words political revenge from AMP, even though the reason for rejecting these visits of the President of the Republic was to uphold the national interest, namely that internal issues needed to be resolved before the President could travel overseas.

In response to this political situation JSMP also submitted its thoughts and concerns via a press release on 23 October 2019.²⁴ 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 lives of ordinary citizens.

JSMP is aware that these practices reflect the spirit and norms set out in the Timor-Leste Constitution regarding the systems and principles of “checks and balances” or the principle of separation of powers and interdependence of powers, but these mechanisms need to be exercised in a healthy, responsible, dignified manner with good faith and especially to protect the national interest and promote good governance, but not because of political party reasons that are counterproductive and do not produce positive results for the nation and the people in the short term and long term.

Rejection of the 2020 State Budget

In relation to the 2020 State Budget, JSMP also made political observations and interpretations of the Constitution and relevant laws to present its opinions to contribute to national development.

JSMP observed that the rejection of the 2020 State Budget by the National Parliament, particularly by the main member of the Majority Parliamentary Coalition (AMP), the National

²² In this vote, 26 MPs voted in favour, 35 voted against and none of the 61 MPs abstained.

²³ Information based on data from the National Parliament.

²⁴ 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>

Congress for Timorese Reconstruction (CNRT), that formed the VIII Constitutional Government and ensured its continued financial and political stability and governance, revealed and reflected political behaviour and established a political precedent that is unfavourable for the people and the nation over time.

Political behaviour from 1975 and after the restoration of independence on 20 May 2002 has not undergone any positive changes that can provide a reference point or guidance for politicians and leaders from the younger generation. Political behaviour in Timor-Leste is dominated by individual, group and political party interests which are all wrapped up in the national interest, which in the end is disastrous for the nation and the people. The root cause or main cause for rejecting the 2020 State Budget was previous political precedents.

Political precedents originated from differences between individual, group and political party ideas and interests that started a long time ago, particularly from 1974 up until now.

Regarding legislative issues relating to the State Budget, in particular the 2020 State Budget process, JSMP has observed that this process violated the Constitution and the relevant laws. This is because the time limits established in Article 86 f) of the Timor-Leste Constitution and articles of the Parliamentary Rules of Procedure regarding the State Budget were not adhered to.

The State Budget Law is given special treatment throughout the entire process, and is not the same as other draft laws that deal with other issues that adhere to the ordinary legislative process as set out in Chapter I, Title V of Law No. 15/2009 as amended by Law No. 1/2016 on the Parliamentary Rules of Procedure. This special treatment starts from the initial process of submitting the proposal until final approval. This treatment relates to the time limits.

The period allowed for discussion and approval of the State Budget is set out in Article 86 f) of the Timor-Leste Constitution which states that a maximum of 60 days is allowed to approve the budget. The law also indicates the date of October 15 as the deadline for the submission to the National Parliament of the draft State Budget for the forthcoming financial year, as set out in Article 30.1 of Law No. 13/2009²⁵ as amended by Law No. 9/2011 and Law No. 13/2009 on Budgets and Financial Management and Article 162 of Law No. 15/2009²⁶ as amended by Law No. 1/2016 about the Parliamentary Rules of Procedure.

There are also time limits for hearings, debates and approval procedures. Those deadlines are set out in Section I of Chapter VII, Title V of Law No. 15/2009 as amended by Law No. 1/2016 about the Parliamentary Rules of Procedure.

The deadline for the submission of opinions by the Specialized Standing Committees to the Standing Committee on Economy and Finance is of 15 days, as provided in Article 164(1). The

²⁵ Details about this law are available on page 3670 of the State Gazette, Series I, No. 37: http://www.mj.gov.tl/jornal/public/docs/2009/serie_1/serie1_no37.pdf

²⁶ Details about this law are available on page 3757 of the State Gazette, Series I, No. 40: http://www.mj.gov.tl/jornal/public/docs/2009/serie_1/serie1_no40.pdf

Standing Committee on Economy and Finance has 20 days to draft a report and opinion, as laid down in Article 164(2). The time period for having a general discussion of the budget in the Plenary is 3 days, as provided in Article 166(1) and the time limit for a detailed discussion of the budget in the Plenary is 10, as provided in Article 167 of the aforementioned law.

According to JSMP's observations and analysis, the rationale behind the process for approving the budget is that time limits or deadlines are required to ensure that the State Budget follows closely the financial year, which in the case of Timor-Leste begins on the 1st of January and ends on the 31st of December. Another reason is to ensure effective and efficient budget execution and implementation of the Government's programmes. Hence, the State Budget for a new financial year has to be adopted before that financial year begins or at the end of the previous financial year. Moreover, the law precludes changes to or the repeal of the State Budget Law that was adopted for a specific financial year that is already under way as provided in Article 97(2) of the Constitution of RDTL about legislative initiatives, which was reinforced by Article 93 of Law No. 15/2009 as amended by Law No. 1/2016 about the Parliamentary Rules of Procedure which lays down special limits to legislative initiatives.

Thus, based on the constitutional and legal requirements that are in force, the process of discussion and approval of the Draft State Budget Law for 2020 breached the Constitution and the law because it did not observe the 60 day time limit. The discussion and adoption of the Draft State Budget Law for 2020 went on until 17 January 2020 or for 92 days counted from 15 October 2019. According to the law, the deadline for discussing and approving it should have been 15 December. This situation arose because the Government withdrew its Draft State Budget Law for 2020 on 3 December 2019.

According to JSMP, and in view of the existing time restrictions, the Government should not have withdrawn the Draft State Budget Law for 2020 and should have pursued the process until its conclusion to comply with the law. Be that as it may and considering the date on which the Government withdrew the draft law – 3 December – there was a legal way for the Government to re-submit its draft law without necessarily breaching the Constitution. According to the Constitution and the law, the Government still had 12 days to re-submit its draft law to the Parliament for discussion and approval.

The legal way that the Government could have chosen is to be found in Article 55(1) of Law No. 15/2009 as amended by Law No. 1/2016 which states that the Plenary may give priority to the discussion of certain matters upon request by the Government, especially of matters deemed to be of national interest and requiring an urgent solution. The Draft State Budget Law falls under the category of matters of national interest calling for an urgent solution because of the existing time limits and the State's need of a budget to operate and implement development policies.

To accelerate the process of discussion and approval, Article 56(1) and (2) of the aforementioned law provides that parliamentary groups and the Government may ask the President of the

Parliament to convene an urgent debate that has to take place within 7 days after its approval. Looking at the Draft State Budget Law for 2020 that was withdrawn on 3 December, it is clear that the Government had enough time to amend its proposal and re-submit it for discussion and approval without breaching the constitutional and legal requirements.

Thus, looking at the issue from a purely legal viewpoint, the President of the Republic, based on Article 86(f) of the Constitution, had only a limited amount of time to dissolve the National Parliament, having heard the political parties represented in Parliament, the State Council and other relevant parties and to announce an early election as more than 60 days and up to 90 days had passed without the State Budget for 2020 being adopted and the circumstances provided in Article 100 of the Constitution did not exist.

Even if the outcome of the aforementioned consultation had suggested that dissolving the National Parliament should be the a solution of last resort, *de facto* and *de jure* the solution should not have been the continuance of the VIII Government because the party coalition AMP that had come out of the 2018 general election as the party or coalition with the largest share of the votes and thus was legitimately entitled to form a Government had already been dissolved. Thus, the VIII Government had lost its legitimacy. The second option of forming a Government that had not resulted from that election was nearly unattainable considering the diverging views and interests of the political parties, in particular the circumstances of the party with the second largest vote.

The situation became even worse when the State bodies – National Parliament and Government – infringed the provisions in the Constitution and the law by allowing the VIII Government to re-submit a Draft State Budget Law for 2020 to the National Parliament that the latter eventually voted down, thus forcing the State to resort to the duodecimal budgetary regime to sustain its operations and small-scale projects.

This being said, and from a legal viewpoint, the VIII Government's expedient of resorting to the duodecimal regime was illegal as the Government lacked the authorisation to do so. This is because the situation the Government faced did not fulfill the requirements provided in Article 30(2)(a)(b) and (c) of Law No. 13/2009²⁷ as amended by Law No. 9/2011 and Law No. 3/2013 about the Budget and Financial Management, which states

- a) The Government in office was dismissed;
- b) A new Government has taken office;
- c) The legislature has come to an end.

The VIII Constitutional Government did not have the legal right to resort to the duodecimal budgetary regime because it was functioning normally, it had not been dismissed by the President of the Republic, it had taken office not that long ago, as had its members, and the

²⁷ Details about this law are available on page 3670 of the State Gazette, Series I, No. 37:
http://www.mj.gov.tl/jornal/public/docs/2009/serie_1/serie1_no37.pdf

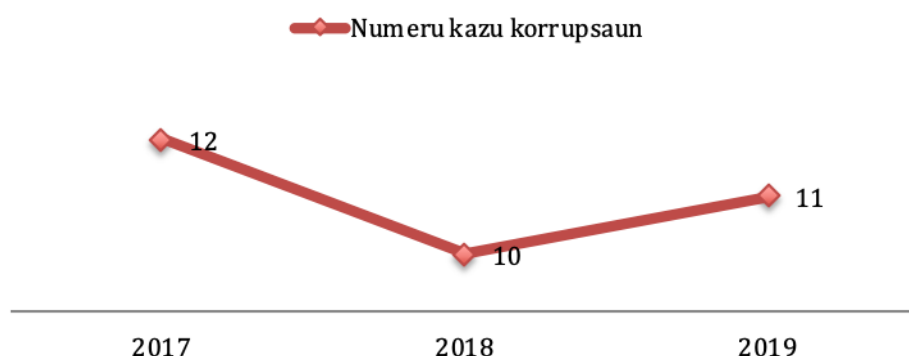
legislature hadn't come to an end. Therefore, the correct way to act according to the Constitution and the law would have been to dissolve the Parliament, so that a new election could take place to elect a new Parliament and to form a new Government that would present a new Draft State Budget for 2020.

The reason and objective of establishing a new Government and to begin a new legislature would be to anticipate the issues and political-legal confusion that might arise again in the future, if the authorities do not take a different path and decide to keep the VIII Government in office. Should the decision be to keep the Government in office, the following scenario may occur:

Draft Anti-Corruption Law

JSMP has encouraged the drafting of an Anti-Corruption Law for a long time. Our monitoring of the courts has shown that corruption cases occupy a prominent position in the courts' proceedings.

Graph 6: Number of corruption cases between 2017-2019



In 2019, JSMP published two opinions that summarized JSMP's findings

and reflections on how an Anti-Corruption Law could be designed to reflect Timor-Leste's circumstances and that would present a solution to effectively fight corruption in the country. JSMP's first opinion addressed the draft legislation submitted by the Fretilin and PD parliamentary benches.²⁸ The second opinion concerned the alternative text prepared by Parliament's Standing Committee A in the wake of a public hearing on the aforementioned draft legislation.²⁹

According to JSMP, the main objective of an Anti-Corruption Law should be to complete the provisions in the penal law regarding criminal responsibility of natural and legal persons, as provided in Article 12(1) and (2) of the Penal Code.

Paragraph (1) of Article 12 of the Penal Code states that criminal responsibility for offences included in the Code only applies to natural persons (individuals) and is non-transferable. Paragraph (2) provides that legal persons are only criminally liable for offences included in the Code or in special legislation when and under the terms explicitly provided therein.

²⁸ Please refer to this opinion at: http://jsmp.tl/wp-content/uploads/PARESAR_LEI-ANTI-KORRUPSAUN_TETUM.pdf

²⁹ Please refer to this opinion at: http://jsmp.tl/wp-content/uploads/Paraser-kona-ba-testu-substitutivu-ba-lei-anti-korrupsaun_II_-_2019.pdf

This shows that, at present, the Penal Code can only be used to bring charges against individuals because the offences provided in the Penal Code are circumscribed to natural persons and do not include legal persons. Therefore, the State requires a specific law that allows the authorities to investigate and bring charges against legal persons, because the fact is that many legal persons, whether national or foreign, are involved in acts of corruption. The Anti-Corruption Law would close a loophole in the current criminal law framework.

Even if the Penal Code had included provisions regarding the criminal liability of legal persons, JSMP is of the opinion that it would be best to place the different provisions in separate texts, according to their nature and function, so as to avoid confusion when interpreting the legal terms and concepts that are used in such proceedings.

According to legal doctrine, a legal person cannot commit a crime. A legal person is a legal fiction, a pure legal abstraction that does not meet the conditions, nor has the consciousness or finality to commit a crime.³⁰ Therefore, when a judgement is passed that involves a legal person because it has committed an unlawful act against the State Administration, that legal person may be administratively liable or may be held accountable before a court, depending on the seriousness of the act committed.

The notion of subjective responsibility is associated to a natural person that meets all the conditions to commit a crime. The main features of a crime are “intent” (*dolo*)³¹ and “guilt” (*kulpa*)³² of the perpetrator, meaning that there is purpose and consciousness.³³ A legal person cannot commit a crime because it does not possess the aforementioned features.

Objective responsibility does not exist in Criminal Law, it only exists in Civil and Administrative Law. This responsibility results from committing an unlawful act or infringing the rules or rights of another person. To prove that responsibility, one does not look for guilt or intent and when the infringement is established a sanction is applied that only takes the form of a fine or payment of a compensation for damages resulting from the unlawful act.³⁴ Therefore, a legal person is not criminally liable for the unlawful acts it commits. Criminal responsibility only applies to natural persons that are part of a legal person when an unlawful act takes place and its intent or guilt can be established.

The observations made in courts and publicly-available information suggest that many national and foreign legal persons have committed offences that are linked to corruption. When those offences occur, the legal proceedings will focus only on natural persons even though the offence may also involve a legal person. The State, through its relevant institutions and bodies, cannot

³⁰ Please refer to detailed information about a legal person at:

<https://fabriciocorrea.jusbrasil.com.br/artigos/121941395/responsabilidade-penal-da-pessoa-juridica>

³¹ The legal meaning of “*dolo/intent*” “is an act that is committed consciously, with intent or desire to obtain something for the person who commits the criminal act which causes harm or damage to another person”. Portuguese version online at:

<https://www.significados.com.br/dolo/>

³² The legal meaning of “*kulpa/guilt*”: “committing an offence or failure to fulfil a responsibility via an act or omission”:

<https://cursosnacd.com.br/direito/conceito-de-culpa.htm>

³³ Please refer to the difference between subjective and objective responsibility at:

<https://wagnerfrancesco.jusbrasil.com.br/artigos/324495951/qual-a-diferenca-entre-responsabilidade-subjetiva-e-objetiva>

³⁴ Ibid.

apply the notions of administrative, civil and judicial liability to legal persons because of the absence of a special law regulating such matters.

There are many legal persons that commit acts related to corruption in the establishment, registration, profiling, public tenders, contracts, constructions projects, purchase of materials, supervision and verification linked to State agencies and authorities, etc. . Therefore, JSMP believes that an Anti-Corruption Law has to provide and regulate such issues and address those problems. It also has be able to anticipate even more severe risks and damages in the future.

JSMP deems the theme of corruption to have an exceptional nature, to be complex and to have been causing considerable damage to the State, the nation and the people for a long time. Therefore, the State has to adopt a exceptional strategy and approach to fight corruption. In JSMP's view, such a strategy requires the adoption of an Anti-Corruption Law.

JSMP thus proposes that an Anti-Corruption Law be drafted that develops more fully the relevant legal notions, so that the provisions in the Penal Code that deal with acts of corruption may be repealed and no confusion arises when the legislation is applied. Such an Anti-Corruption Law would have the status of a special law to address corruption cases. Should the Anti-Corruption Law repeal relevant provisions in the Penal Code, its draft would have to include all the repealed provisions and this would have to be stated in its final provisions.

JSMP thinks that such an Anti-Corruption Law could be the key instrument used by the State of Timor-Leste through its competent institutions such as the Public prosecution Office, Anti-Corruption Commission and other relevant institutions to strengthen its national policy to fight corruption.

Provisions of Article 1475 of the Timor-Leste Civil Code on Marriage

Based on JSMP observations and face to face interviews with leaders of the Moslem and Protestant religious faiths, Article 1475 is highly discriminative in practice when followers of these faiths have to organize documents from relevant ministries, especially the Ministry of Justice. Marriage documents from other religious faiths are not considered valid, and therefore they are unable to obtain an official Timor-Leste marriage certificate.³⁵

In March 2002, through its Constituent Assembly, Timor-Leste approved the Timor-Leste Constitution which formed the basis for the democratic rule of law and this Timor-Leste Constitution entered into force on 20 May 2002 which implicitly repealed the 1975 Timor-Leste Constitution³⁶ Both the 1975 Constitution and the 2002 Constitution enshrined the fundamental principles and values of universality and equality for all persons. Article 16.1 of the Timor-Leste Constitution 2002 states that:

³⁵ Detailed informaiton about JSMP research summaries and legislative analysis is available at: http://jsmp.tl/wp-content/uploads/Pareser-ICCPRKazamentuSivilartigu1475FINAL_TETUM.pdf

³⁶ Electronic version of the 1975 Constitution of the Democratic Republic of Timor-Leste is available at: <http://cedis.fd.unl.pt/wp-content/uploads/2016/02/CONST-TIMOR-75.pdf>

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

In regards to religion, the State of Timor-Leste is a democratic state that acknowledges and respects different religious denominations and guarantees that they are free in their organisation and in the exercise of their own activities, as set out in Article 12.1 of the Timor-Leste Constitution.³⁷

In addition to the Constitution, in May 2003 via Parliamentary Resolution No. 3/2003³⁸ Timor-Leste ratified the International Covenant on Civil and Political Rights (ICCPR). The ICCPR is an international legal framework that specifically deals with human rights based on the principles enshrined in the United Nations Charter³⁹ on the civil and political rights of people that member States need to respect and promote. ICCPR is a small part or treaty of derived from the United Nations Charter.

Article 2.1 of the ICCPR states that:

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

These are some of the rights that are set out in Article 18.1 of ICCPR, namely:

“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”⁴⁰

The ICCPR in Article 2.2 urges State Parties who have not yet established legislative measures to ensure the exercise of the rights set out in the Covenant to create legislative mechanisms in accordance with their own constitutional processes and with the provisions of the Covenant to give effect to the rights recognised in the Covenant. Therefore the State of Timor-Leste in September 2011 created Law No.10/2011⁴¹ approving the Civil Code to regulate legal relationships between private legal entities such as natural or legal persons. This law is aimed at guaranteeing that citizens can exercise their civil rights.

³⁷ The full text of the Constitution of the Democratic Republic of Timor-Leste:

http://www.mj.gov.tl/jornal/public/docs/ConstituicaoRDTL_Portugues.pdf

³⁸ The full text of Parliamentary Resolution No. 3/2003:

http://www.mj.gov.tl/jornal/public/docs/2002_2005/resolucao_parlamento/3_2003.pdf

³⁹ The full text of the United Nations Charter: <https://nacoesunidas.org/wp-content/uploads/2017/11/A-Carta-das-Na%C3%A7%C3%B5es-Unidas.pdf>

⁴⁰ The full text of the ICCPR in English: http://www.mj.gov.tl/jornal/public/docs/ConstituicaoRDTL_Portugues.pdf

⁴¹ The full text of Law No. 10/2011: <http://www.mj.gov.tl/jornal/?q=node/803>

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

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

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

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

Advocacy

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

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

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

Opinions and Analytical Summaries and Legislative Research

In 2019 JSMP produced and published 11 opinions and research and legislative summaries. Some of these opinions were produced due to requests from the National Parliament relating to legislative issues and some opinions were produced in response to issues identified by JSMP and considered important enough to compel JSMP to contribute its thoughts and analysis to relevant organs and institutions. Analytical summaries and legislative research are short opinions that JSMP has developed in relation to some issues considered important enough to compel JSMP to share its thoughts or conduct research, analysis and recommendations for competent and relevant organs and institutions to make necessary changes in the national interest.

The Opinions and Analytical Summaries and Legislative Research are as follows:

- a) Acts of discrimination committed against members of the LGBTI community in Timor-Leste'-November-2019.⁴²
- b) "Opinion and Position: JSMP disagrees with the response of the President of the Court of Appeal to Committee A of the National Parliament in relation to JSMP's findings about the district courts"-November-2019.⁴³
- c) The Provisions of Article 1475 of the Civil Code violate human rights principles enshrined in the International Covenant on Civil and Political Rights (ICCPR) and the Timor-Leste Constitution.
- d) 2020 State Budget for the Justice Sector-October-2019.⁴⁴
- e) Amending Law No. 3/2014 on the creation of the Special Administrative Region of Oecusse Ambeno and the Establishment of a Special Zone for Social Market Economy (RAEOA-ZEESM): Issue of Constitutionality and Concept of Territorial Division-July-2019.⁴⁵
- f) Report on the circumstances at the District Courts to the President of the Court of Appeal-March-2019.⁴⁶
- g) Opinion II: On the substitutive text of the Draft Anti-Corruption Law-2019.⁴⁷
- h) Opinion I: Draft Law Against Corruption-March-2019.⁴⁸

⁴² Please refer to this opinion at: http://jsmp.tl/wp-content/uploads/SumariuAnalizaLEGALAsuntuLGBTI_TETUM.pdf

⁴³ Please refer to this opinion at: http://jsmp.tl/wp-content/uploads/JSMPniaPozisaunkona-baTribunalRekursubaOJESetorJUstisa_TETUM.pdf

⁴⁴ Please refer to this opinion at: http://jsmp.tl/wp-content/uploads/Pareser-ICCPRKazamentuSivilartigu1475FINAL_TETUM.pdf

⁴⁵ Please refer to this opinion at: http://jsmp.tl/wp-content/uploads/Paraser-kona-ba-OJE-2020-ba-set%C3%B3r-justisa_TETUM-1.pdf

⁴⁶ Please refer to this opinion at: <http://jsmp.tl/wp-content/uploads/Submisaun-alterasaun-ba-Estatutu-ZAMES-TETUM.pdf>

⁴⁷ Please refer to this opinion at: <http://jsmp.tl/wp-content/uploads/Relatoriu-Informasaun-ba-Prezidente-Tribunal-Rekursu.pdf>

⁴⁸ Please refer to this opinion at: http://jsmp.tl/wp-content/uploads/Paraser-kona-ba-testu-substitutivu-ba-lei-anti-korrupsaun_II_2019.pdf

- i) IBAHRI and JSMP regarding the creation of a draft Law on a Timor-Leste Bar Association-February-2019.⁴⁹
- j) Debate of the interpretation of provisions relating to the competence of the President to veto and promulgate pursuant to Article 88 of the Constitution-February-2019.⁵⁰

The opinions 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.

Public Meetings

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.

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

In 2019 JSMP had the following meetings:

- a) JSMP meeting with the Deputy Ombudswoman for Human Rights and Justice to hear JSMP's perspective and support for the work of the Office of the Ombudsman (PDHJ) to promote justice, human rights and good governance;
- b) on 22 March 2019 JSMP had a meeting with the Ministry of Justice to discuss amending the Penal Code to criminalise incest, the Mobile Court, suspended prison sentences and also the rights of the child;
- c) on 22 March 2019 had a meeting with MRLAP to identify the articles in the Penal Code that need to be amended, including incest. Also, to discuss the Draft Law on Child Protection, Law on Witness Protection, the role Office of the Public Defender, the Mobile Court, suspended prison sentences and access to the Judicial Training Centre;
- d) JSMP also had a meeting with Committee A of the National Parliament to present its opinion on the 2020 State Budget for the justice sector.⁵¹
- e) JSMP had a meeting with Committee A of the National Parliament to present its opinion on the Draft Law Against Corruption.⁵²

⁴⁹ Please refer to this opinion at: http://jsmp.tl/wp-content/uploads/SubmmisaunbaMJ_OrdenAdvoago_TETUM.pdf

⁵⁰ Please refer to this opinion at http://jsmp.tl/wp-content/uploads/JSMPSubmisaunKona-baOJEVETAKaPROMULGA_TETUM.pdf

⁵¹ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrKomisaunAPNAudensiahoJSMPkona-baOJE2020_TETUM.pdf

⁵² Detailed information is available in this Press Release: <http://jsmp.tl/wp-content/uploads/PRKomisaun-A-PN-konsidera-rekomendasaun-JSMP-balun-ih-Projetu-Lei-Anti-Korrupsaun.pdf>

Case Summaries

Case summaries are regularly provided by JSMP after carrying out monitoring at the district courts in Timor-Leste every month. JSMP produced 40 cases summaries in 2019, as follows:

- a) Case Summary from the Oecusse District Court-December-2019.⁵³
- b) Case Summary from the Baucau District Court-December-2019.⁵⁴
- c) Case Summary from the Baucau District Court-November-2019.⁵⁵
- d) Case Summary from the Suai District Court-October-2019.⁵⁶
- e) Case Summary from the Baucau District Court-October-2019.⁵⁷
- f) Case Summary from the Oecusse District Court-October-2019.⁵⁸
- g) Case Summary from the Dili District Court-September-2019.⁵⁹
- i) Case Summary from the Oecusse District Court-September-2019.⁶⁰
- j) Case Summary from the Dili District Court-August-2019.⁶¹
- k) Case Summary from the Baucau District Court-August-2019.⁶²
- l) Case Summary from the Dili District Court-July-2019.⁶³
- m) Case Summary from the Baucau District Court-July-2019.⁶⁴
- n) Case Summary from the Suai District Court-July-2019.⁶⁵
- o) Case Summary from the Oecusse District Court-July-2019.
- p) Case Summary from the Oecusse District Court-June-2019.⁶⁶
- q) Case Summary from the Suai District Court-June-2019.⁶⁷
- r) Case Summary from the Baucau District Court-June-2019.
- s) Case Summary from the Oecusse District Court-June-2019.⁶⁸
- t) Case Summary from the Dili District Court-May-2019.⁶⁹
- u) Case Summary from the Baucau District Court-May-2019.⁷⁰
- v) Case Summary from the Suai District Court-May-2019.⁷¹
- w) Case Summary from the Suai District Court-May-2019.⁷²
- x) Case Summary from the Dili District Court-April-2019.⁷³
- y) Case Summary from the Suai District Court-April-2019.⁷⁴
- z) Case Summary from the Baucau District Court-April-2019.⁷⁵

⁵³ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalOEKUSI_TETUM-6.pdf

⁵⁴ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalDistritalBAUCAU_TETUM.pdf

⁵⁵ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalBAUCAU_TETUM-8.pdf

⁵⁶ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalSUAI_TETUM-1-1.pdf

⁵⁷ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalOEKUSI_TETUM-5.pdf

⁵⁸ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalDILI_TETUM-8.pdf

⁵⁹ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalOekusi_TETUM.pdf

⁶⁰ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalOekusi_TETUM.pdf

⁶¹ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalDILI_TETUM-7.pdf

⁶² Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalBAUCAU_TETUM-6.pdf

⁶³ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalDILI_TETUM-5.pdf

⁶⁴ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalBAUCAU_TETUM-5.pdf

⁶⁵ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalSUAI_TETUM-7.pdf

⁶⁶ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalOEKUSI_TETUM-8.pdf

⁶⁷ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalDILI_TETUM-4.pdf

⁶⁸ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalSUAI_TETUM.pdf

⁶⁹ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalBAUCAU_TETUM.pdf

⁷⁰ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalOEKUSI_TETUM-4.pdf

⁷¹ Please refer to this case summary at: <http://jsmp.tl/publications/sumariu-kazu/>

⁷² Please refer to this case summary at: <http://jsmp.tl/wp-content/uploads/Sumariu-kazu-Tribunal-Distrital-Baukau-Maiu2019.pdf>

⁷³ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuTribunalSUAI_TETUM.pdf

⁷⁴ Please refer to this case summary at: <http://jsmp.tl/wp-content/uploads/Sumariu-Kazu-Tribunal-Distrital-Dili-Abril-2019-1.pdf>

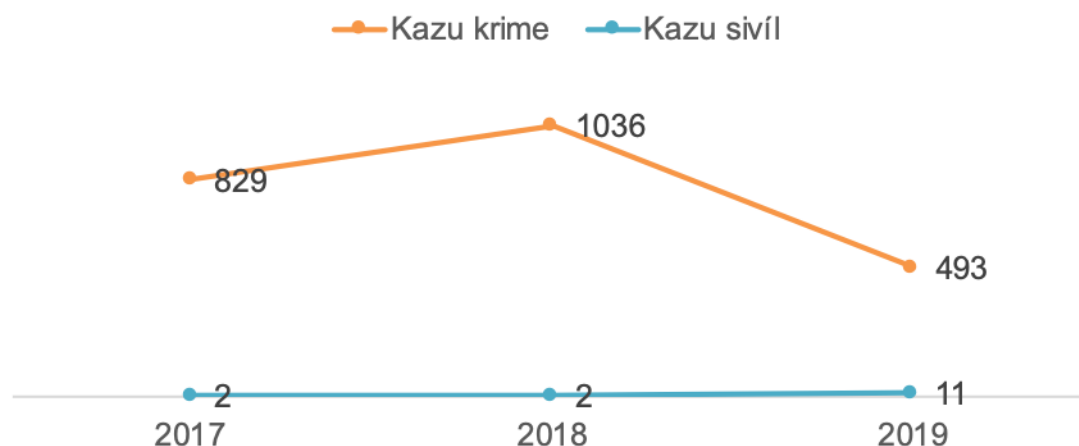
⁷⁵ Please refer to this case summary at: <http://jsmp.tl/wp-content/uploads/Sumariu-Kazu-Tribunal-Distrital-Suai-Abril-2019.pdf>

- aa) Case Summary from the Oecusse District Court-April-2019.⁷⁶
- bb) Case Summary from the Suai District Court-March-2019.⁷⁷
- cc) Case Summary from the Dili District Court-March-2019.⁷⁸
- dd) Case Summary from the Baucau District Court-March-2019.⁷⁹
- ee) Case Summary from the Oecusse District Court-March-2019.⁸⁰
- ff) Case Summary from the Suai District Court-February-2019.⁸¹
- gg) Case Summary from the Dili District Court-February-2019.⁸²
- hh) Case Summary from the Baucau District Court-February-2019.⁸³
- ii) Case Summary from the Oecusse District Court-February-2019.⁸⁴
- jj) Case Summary from the Suai District Court-January-2019.⁸⁵
- kk) Case Summary from the Dili District Court-January-2019.⁸⁶
- ll) Case Summary from the Baucau District Court-January-2019.⁸⁷
- mm) Case Summary from the Oecusse District Court-January-2019.⁸⁸

JSMP monitored 194 cases at the Dili District Court, 160 cases at the Baucau District Court, 75 cases at the Suai District Court and 64 Cases at the Oecusse District Court.

In 2019 JSMP monitored 504 cases, comprising 493 criminal cases and 11 civil cases.

Graph 7: Number of cases monitored by JSMP from 2017-2019



⁷⁶ Please refer to this case summary at: <http://jsmp.tl/wp-content/uploads/Sumariu-Kazu-Tribunal-Distrital-Baukau-Abril-2019.pdf>

⁷⁷ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalOEKUSI_Tetum.pdf

⁷⁸ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalSUAI_TETUM-5.pdf

⁷⁹ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalDILI_TETUM-3.pdf

⁸⁰ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalBAUCAU_Tetum-1.pdf

⁸¹ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalOEKUSSE_TETUM.pdf

⁸² Please refer to this case summary at: <http://jsmp.tl/wp-content/uploads/Sumariu-Kazu-Tribunal-Suai-Fevereiru-2019.pdf>

⁸³ Please refer to this case summary at: <http://jsmp.tl/wp-content/uploads/Sumariu-Kazu-Tribunal-Distrital-Dili-Fevereiru-2019.pdf>

⁸⁴ Please refer to this case summary at: <http://jsmp.tl/wp-content/uploads/Sumariu-Kazu-Tribunal-Baukau-Fevereiru-2019.pdf>

⁸⁵ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalOEKUSI_TETUM-3.pdf

⁸⁶ Please refer to this case summary at: <http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalSUAI.pdf>

⁸⁷ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalDILI_Tetum-2.pdf

⁸⁸ Please refer to this case summary at: http://jsmp.tl/wp-content/uploads/SumariuKazuTribunalBAUCAU_Tetum.pdf

JSMP provided the case summaries to defendants and victims involved in these cases as well as to relevant institutions such as the National Parliament, judicial actors, civil society, and academics.

Press Releases

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

In 2019 JSMP produced 45 press releases, as follows:

- a) Community in Aidabaleten are concerned with cases of child neglect.⁸⁹
- b) Students at the Baucau Commerce and Economics Public School received training for the first time about the rights of the child and the formal justice system.⁹⁰
- c) Plenary at the National Parliament conducted in the Portuguese language: Members of parliament did not take the discussion seriously.⁹¹
- d) JSMP conducts training on the rights of the child and access to formal justice for students from the Palaban Public Secondary School in Oecusse.⁹²
- e) JSMP believes that a prison sentence of six years to be insufficient for the defendant in a case of sexual coercion, characterized as incest, committed against his two daughters.⁹³
- f) JSMP is concerned that some MPs in the National Parliament use unethical and inappropriate language during plenary meetings.⁹⁴
- g) The Public Prosecution Service needs to take immediate and appropriate protection measures in an alleged crime of sexual abuse against children in Oecusse Municipality.⁹⁵

⁸⁹ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTreinamentuProjetuCANADAATABAE_TETUM.pdf

⁹⁰ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTreinamentuProjetuCANADABAUCAU_TETUM.pdf

⁹¹ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrPlenariaPNRealizahoLianPORTUGES_tetum.pdf

⁹² Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTreinamentuProjetuCANADAEstudanteOEKUSI_tetum.pdf

⁹³ Detailed information is available in this Press Release: <http://jsmp.tl/wp-content/uploads/JSMP-konsidera-pena-prizaun-tinan-neen-ba-arguidu-krim-koasaun-seksu%C3%A1l-ho-natureza-insestus-hasoru-nia-oan-feto-na%E2%80%99in-rua-la-adekuadu-25-Junu-2019.pdf>

⁹⁴ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrWPParlamentuUzaLiafuanLaETIKU_Tetum.pdf

⁹⁵ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrKazuAbuzuSeksuakOEKUSI_TETUM.pdf

- h) The Dili District Court for the first time handed down an effective prison sentence against a defendant in a crime of simple offence against physical integrity characterized as domestic violence.⁹⁶
- i) JSMP launches report on challenges in civil proceedings in Timor-Leste.⁹⁷
- j) School principal requests for students who participate in training to pass the information to their friends who did not have the opportunity to participate.⁹⁸
- k) JSMP conducts training for members of the LGTB community in Dili Municipality.⁹⁹
- l) The Oecusse District Court for the first time applies a suspended prison sentence with a condition to make a public apology in a case involving the mistreatment of a spouse.¹⁰⁰
- m) Timor-Leste commemorates International Women's Day: Think Equal, Build Smart, Innovate for Change.¹⁰¹
- n) Extending the suspended sentence of defendants who repeat their behaviour whilst serving a suspended sentence is not in compliance with the provisions of the penal code.¹⁰²
- o) Human Rights Defenders Network: The families of the victims believe that the State has tried to forget and ignore the tragedy that occurred in Kuluhun de Baixo.¹⁰³
- p) The court amends charges in favor of defendant.¹⁰⁴
- q) Mota Ulun Village Chief believes that the materials provided by JSMP can help members of the village administration to resolve problems in the community.¹⁰⁵
- r) 24 March is the International Day for the Right to the Truth.¹⁰⁶

⁹⁶ Detailed information is available in this Press Release: <http://jsmp.tl/wp-content/uploads/PrKazuVIolensaiDomestikaPenaEFetivatinanIDA.pdf>

⁹⁷ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PRLansamentuRelatoriuProsesuSIVILFINAL_TETUM.pdf

⁹⁸ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTreinamentuEskolaPublikuZumalaiSUAICANADA_TETUM.pdf

⁹⁹ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTreinamentuKomunidadeLGBTDILI_Tetum.pdf

¹⁰⁰ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTribunalOekusiAplikaDever_TETUM.pdf

¹⁰¹ Detailed information is available in this Press Release: <http://jsmp.tl/wp-content/uploads/PR-Loron-Feto-Internasional-2019.pdf>

¹⁰² Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PhanarukPenaBAUCAU_TETUM.pdf

¹⁰³ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/Rede-Defens%C3%B3r-Direitus-Umanus_Kuluhun-de-BAIXO_18_03_19.pdf

¹⁰⁴ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTribunalFALLAAlterasaunFavoreseArguidu_TETUM.pdf

¹⁰⁵ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTreinamentuDFATLIKISA_TETUM-2.pdf

- s) JSMP believes that the Court has handed down an unjust decision in a case of failure to provide alimony.¹⁰⁷
- t) Committee A of the National Parliament considers JSMP recommendation on Draft Law Against Corruption.¹⁰⁸
- u) We celebrate the 18th Anniversary of JSMP: JSMP will launch its annual report on the Justice and Legislative Sector for 2018 and the 2018 JSMP Institutional Report.¹⁰⁹
- v) JSMP requests for the courts to apply appropriate sentences in crimes involving the attempted sexual abuse of minors, characterized as domestic violence, in the form of an effective prison sentence.¹¹⁰
- w) JSMP holds a regional seminar in Covalima Municipality: The Municipal Administrator of Covalima said that programs like this should continue.¹¹¹
- x) JSMP is concerned that the Public Prosecution Service and the courts are still not using specific articles for physical violence against minors.¹¹²
- y) Representatives from villages and the LGBT community conveyed their concerns about the time limits for making a criminal complaint and the legal authority of the village to resolve criminal and civil cases during a Regional Seminar in the Special Administrative Region of Oecusse-Ambeno (RAEOA).¹¹³
- z) The Suai District Court suffers serious problem with fuel for operational transport since January 2019 which has undermined the regular functioning of this court.¹¹⁴
- aa) The court referred a defendant to prison who could not be held accountable due to a psychological disturbance: JSMP requests for the Government to establish appropriate facilities for defendants who suffer from a psychological disturbance.¹¹⁵

¹⁰⁶ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/Komunikadu-da-imprensa_ANTI-24-Marsu19_TETUM.pdf

¹⁰⁷ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrDesizaunLaJUSTUbaKazuINKUMPRIMENTU_Tetum.pdf

¹⁰⁸ Detailed information is available in this Press Release: <http://jsmp.tl/wp-content/uploads/PRKomisaun-A-PN-konsidera-rekomendasaun-JSMP-balun-ih-a-Projetu-Lei-Anti-Korrupsaun.pdf>

¹⁰⁹ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PressreleaseLansamentunoAniversariuXVIIIJSMP_Tetum.pdf

¹¹⁰ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTribunalAPLIKAPenaEfetivu_TETUM.pdf

¹¹¹ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrSeminariuRegionalSUAICOVALIMA_1TETUM.pdf

¹¹² Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PR-preokupa-ho-MP-no-tribun%C3%A1l_TETUM.pdf

¹¹³ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PR-preokupa-ho-MP-no-tribun%C3%A1l_TETUM.pdf

¹¹⁴ Detailed information is available in this Press Release: <http://jsmp.tl/wp-content/uploads/Tribun%C3%A1l-Distrit%C3%A1l-Suai-sofre-problema-s%C3%A9riu-kona-ba-kombustivel-ba-transporte-operasion%C3%A1l-desde-Janeiru-2019-no-prejudika-funسیونamento-regular-tribun%C3%A1l-refere-27-Maiu-2019-2.pdf>

bb) The Dili District Court refuses request for the conditional release of a convicted person for the crime of aggravated rape.¹¹⁶

cc) JSMP believes that a prison sentence of six years to be insufficient for the defendant in a case of sexual coercion, characterized as incest, committed against his two daughters.¹¹⁷

dd) JSMP continues to disseminate information about the Protection of Children's Rights and Access to Justice.¹¹⁸

ee) Community members from Bobocasse Village requested for the Government to promptly approve the law on Child Protection and increase awareness about the existing laws.¹¹⁹

ff) Issues relating to overdue arrests and pre-trial detentions as well as abstract reviews were raised as concerns by members of parliament when assessing the 2018 Ombudsman for Human Rights and Justice Annual Report.¹²⁰

gg) JSMP demands for the Public Prosecution Service and the courts to include civil compensation in recommended sentences and decisions for crimes characterized as rape.¹²¹

hh) Members of the Biqueli Village Council are disappointed that the Law on Community Leaders has been revoked, as this does not value their work.¹²²

ii) The Village Chief of Nipani for the first time received information about the rights of the child and access to formal justice.¹²³

jj) JSMP believes that it is inappropriate to replace a charge of aggravated rape with the crime of sexual abuse against a disabled person.¹²⁴

¹¹⁵ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTribunalRefereArguiduMorasMental_TETUM.pdf

¹¹⁶ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTribunalLiberdadeKondisional_TETUM.pdf

¹¹⁷ Detailed information is available in this Press Release: <http://jsmp.tl/wp-content/uploads/JSMP-konsidera-pena-prizaun-tinan-neen-ba-arguidu-krime-koasaun-seksu%C3%A1l-ho-natureza-insestu-hasoru-nia-oan-feto-na%E2%80%99in-rua-la-adekuadu-25-Junu-2019-1.pdf>

¹¹⁸ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PR8TreinamentuKomuniadadeOQUESSuai_TETUM-2.pdf

¹¹⁹ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTreinamentuSukuBOBOCASSEO-EKUSI_TETUM_FINAL-2.pdf

¹²⁰ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrPWPPDHJaprzentaRelatoriubaPN_TETUM.pdf

¹²¹ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTribunalSuaiAplikasaunIndminzasaunSivil_TETUM-1.pdf

¹²² Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTreinamentuATAURO_TETUM-1.pdf

¹²³ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTreinamentuProjetuHIVOSNIPANE-Oekusi_TETUM.pdf

¹²⁴ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrKonabaEmahohoDifensia_TETUM.pdf

kk) JSMP, ALFeLa, FOKUPERS and the Mahein Foundation demand for the police authorities to protect the human dignity of suspects and to act in accordance with the law.¹²⁵

ll) JSMP continues to disseminate information to communities about the law making process and access to formal justice.¹²⁶

mm) JSMP held Training in Gari-Uai Village, Baucau Administrative Post, Baucau Municipality.¹²⁷

nn) Residents of Loidahar Village are concerned with the issue of access to justice: suspended prison sentences, divorce, neglect, infanticide and cases involving members of the Government.¹²⁸

oo) Members of the LGBTI community in Liquica Municipality feel that they are subjected to discrimination in the family and in society.¹²⁹

pp) Participants from Mehara Village believe that the materials provided by JSMP are crucial to helping communities reduce domestic violence.¹³⁰

qq) Human Rights Defenders Network: Strongly condemns acts of violence against disabled persons and urges all people to respect and value disabled persons in this nation.¹³¹

rr) The Nanu Village Chief requests for the village administration and community members to continue disseminating information to other communities who did not participate in this training.¹³²

ss) Committee A of the National Parliament gives consideration to the opinion of JSMP on the 2020 State Budget for the justice sector and will use this when meeting with the relevant institutions.¹³³

¹²⁵ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PRJSMP-PrGrupoTraballuALFeLa-FOKUPERS-FM_TETUM.pdf

¹²⁶ Detailed information is available in this Press Release: <http://jsmp.tl/wp-content/uploads/JSMP-kontinua-fahe-informaun-kona-ba-prosesu-halo-lei-no-asesu-ba-justisa-form%C3%A1l-ba-komunidade-sira-15-Agostu-2019-.pdf>

¹²⁷ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTreinamentuFSSBaucau_TETUM.pdf

¹²⁸ Detailed information is available in this Press Release: <http://jsmp.tl/wp-content/uploads/Komunidade-suku-Loidahar-preokupa-ho-kestaun-asesu-ba-justisa-suspensaun-ba-pena-prizaun-divorsiu-abandona-infantis%C3%ADdiu-no-kazu-envolve-membru-governu-29-Agostu-2019.pdf>

¹²⁹ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/TreinamentuLGBTYLIKISA_TETUM-1.pdf

¹³⁰ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrTreinamentuSukuMEHARALAUTEM_TETUM-1.pdf

¹³¹ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/Komunikadu_RDDU_KAZU-MANA-NINA_TETUM.pdf

¹³² Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/Komunikadu_RDDU_KAZU-MANA-NINA_TETUM.pdf

¹³³ Detailed information is available in this Press Release: http://jsmp.tl/wp-content/uploads/PrKomisaunAPNAudensiahoJSMPkona-baOJE2020_TETUM.pdf

tt) Members of the LGBTI community in Ainaro Municipality for the first time received training on access to justice and the system of democracy.¹³⁴

vv) It has been twenty years since independence, and for the first time residents of Fatululik Village received training on Democracy and Access to Justice.¹³⁵

ww) JSMP provides training to members of the Village administrative structure and community members in Taiboko Village, the Special Administrative Region of Oecusse-Ambeno.¹³⁶

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.

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

In 2019, 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, Transgender and Intersex (LGBTI) 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 in Timor-Leste. Therefore, members of village councils can carry out their functions properly, effectively and in accordance with the law, and community members, especially the disabled and members of the LGBTI community can properly understand their rights and obligations according to the democratic rule of law, the role of each sovereign organ, so they can understand what mechanisms can be used to make a complaint if they experience a problem and also how to make a complaint against another person if their rights are violated.

In relation to the issue of the formal justice process, the communities can properly understand the role of judicial actors who work in the justice sector, such as judges at the courts, prosecutors at the Public Prosecution Service, public defenders at the Office of the Public Defender, Private Lawyers and the Police. Also, community leaders can better understand their role and competence to identify criminal and civil cases that need to be prosecuted and how to resolve problems based on the formal and informal mechanisms provided in the existing laws.

In 2019 JSMP conducted 17 training sessions that fell under the specific responsibility of the Parliamentary Watch Project Unit, which comprised trainings for members of village councils and community members including the disabled and members of the LGBTI community at the

¹³⁴ Detailed information is available in this Press Release: <http://jsmp.tl/wp-content/uploads/PR-treinamentu-Komunidade-LGBT-Maubisse.pdf>

¹³⁵ Detailed information is available in this Press Release: <http://jsmp.tl/wp-content/uploads/PrTreinamentu-Fatululik-Covalima-Suai-TETUM.pdf>

¹³⁶ Detailed information is available in this Press Release: <http://jsmp.tl/wp-content/uploads/PR-Suku-Taiboko-Oekusi.pdf>

municipality level, namely in the municipalities of Aileu, Ainaro, Baucau, Bobonaro, Covalima, Dili, Lautem, Liquica and Oecusse (RAEOA).

Training within the jurisdiction of the Dili District Court was carried out in several municipalities. In Aileu Municipality training was provided to members of the village council as well as the disabled in Selo Kraik Village, Aileu Vila Administrative Post. In Liquica Municipality training was provided to members of the village council and community members including the disabled in Motaulun Village, Bazartete Administrative Post, Loidahar Village, Liquica Administrative Post and training was provided to members of the LGBTI community in Liquica Vila. In Dili Municipality training was provided to members of the village council and community members in Buiqueli Village, Atauro Administrative Post and also training was provided to members of the LGBTI community in the capital Dili.

Trainings provided in the jurisdiction of the Baucau District Court took place in the following municipalities: in Lautem Municipality training was given to members of the village council and community members in Mehara Village, Tutuala Administrative Post, and in Baucau Municipality training was given to members of the village council and community members in Gari-uai Village, Baucau Vila Administrative Post.

Training within the jurisdiction of the Suai District Court was carried out in several municipalities. In Covalima Municipality training was provided to members of the village council and community members including the disabled in Fatululik Village, Fatululik Administrative Post, Matai Village, Maukatar Administrative Post, Nanu Village, Fatumea Administrative Post and Maudemo Village, Tilomar Administrative Post. In Ainaro Municipality training was provided to members of the village council and community members including the disabled in Manutassi Village, Ainaro Vila Administrative Post, and training was also provided to members of the LGBTI community in Maubise Vila. In Bobonaro Municipality training was provided to members of the LGBTI community in Maliana Vila.

Training within the jurisdiction of the Oecusse District Court was provided in Taiboko Village, Pante Makasar Administrative Post, Special Administrative Region of Oecusse-Ambeno (RAEOA).

60 people participated in training for the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) community and 330 people participated in training for members of the village council and members of the community, comprising 136 women and 222 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. Participants from the LGBTI community during training provided in Liquica 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.¹³⁷

¹³⁷ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrTreinamentubaLGBTBaucauDFAT_TETUM.pdf

Participants from the LGBTI community in Dili raised problems that occur in relation to the fact that their sexual orientation and expression is different to others.¹³⁸

Participants from the LGBT community in Ainaro 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.¹³⁹

Participants from Mota-Ulun Village, Liquica Municipality questioned if it was a crime for a woman to suddenly become pregnant. And why are members of parliament and members of Government given immunity¹⁴⁰.

The participants from Loidahar conveyed their concerns about using violence to educate family members, and that perpetrators of domestic violence have appeared in court but have not been punished and have gone on to repeat their actions, couples getting divorced and suffering neglect, cases of babies being disposed of, as well as members of the sovereign organs being involved in crimes but not being punished.¹⁴¹

Participants from Bequeli Village, Dili conveyed their concerns and disappointment about the Law on Community Leaders and the Government Decrees that provides incentives to Sub-Village Chiefs and attendance fees for delegates and they also expressed regret that when laws enter into force the Government and the National Parliament should raise public awareness in order to properly explain these laws, to help them perform their work at the village level.¹⁴²

Participants from Selo Craik Village, Aileu Municipality raised the issue of the lack of civil and political education, particularly for citizens who have reached the minimum age set out in the law to exercise their political rights in elections. This will prevent them from haphazardly choosing a party that does not have the capacity to lead and that will harm the State and cause the people to suffer. The participants also raised the issue on how to resolve problems that emerge in the village, particularly problems relating to cases of domestic violence and rape.¹⁴³

Participants from Gari-Uai Village, Baucau raised the issue justice as a major concern, and in particular, communities don't know when new laws enters into force and how they can comply with these new laws, because they don't even understand these laws, so they think that awareness raising should take place when new laws enter into force. In addition, there were other concerns about different treatment for important people and ordinary people during the judicial process. Other concerns related to the application of democracy, whereby people are free to

¹³⁸ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrTreinamentuKomunidadeLGBTDILI_Tetum.pdf

¹³⁹ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrTreinamentuLGBTJuridisaunSUAID-FAT_Tetum.pdf

¹⁴⁰ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrTreinamentuDFATLIKISA_TETUM-2.pdf

¹⁴¹ Please refer to the JSMP website: <http://jsmp.tl/wp-content/uploads/Komunidade-suku-Loidahar-preokupa-ho-kestaun-asesu-ba-justisa-suspensaun-ba-pena-prizaun-divorsiu-abandona-infantis%C3%ADdiu-no-kazu-envolve-membru-governu-29-Agostu-2019.pdf>

¹⁴² Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrTreinamentuATAURO_TETUM-1.pdf

¹⁴³ Please refer to the JSMP website: <http://jsmp.tl/wp-content/uploads/JSMP-kontinua-fahe-informasaun-kona-ba-prosesu-halo-lei-no-asesu-ba-justisa-form%C3%A1l-ba-komunidade-sira-15-Agostu-2019-.pdf>

speaking about others without any limitations, and whether or not this is legal in Timor-Leste.¹⁴⁴

Participants from Mehara Village, Lauten asked if members of the sovereign organs who commit a crime have immunity in comparison with ordinary citizens, and how to resolve cases of infanticide that continue to be prevalent, and the large number of divorces taking place in the community and how to hold fathers responsible for their children.¹⁴⁵

Other important issues raised by participants in Nanu Village, Special Administrative Region of Oecusse-Ambeno, included the values of the democratic system in comparison with the monarchy system as well as how to resolve cases of violence within the family.¹⁴⁶

Participants from Fatululik Village questioned the exercise of rights and freedoms, the issue of dual nationality in relation to members of the Government, the issue of swearing-in certain members of the Government, and the National Parliament not authorizing the President of the Republic to travel overseas. In the session about Access to Justice, the participants raised issues relating to the crime of rape involving perpetrators and underage victims and asked about criminal penalties for the crime of rape committed by an adult against a minor, rape that occurs within the family (father committing an offence against his own child), and a child committing physical violence against his/her mother.¹⁴⁷

Participants from Taiboko Village, Special Administrative Region of Oecusse-Ambeno, in their training session raised concerns about the large number of fathers not providing alimony to their children in their village and the issue of community members not really collaborating with the authorities to resolve semi-public crimes.¹⁴⁸

In response to the issues raised by participants, JSMP provided explanations based on the knowledge and experience of JSMP staff about legislative issues and justice and also based on the findings of relevant research.

JSMP used a pre-test and post-test questionnaire that had been designed in advance to measure the participants' knowledge of the training materials before and after the training. The results of the pre-test and post-test are shown in the graph below:

Rezultadu treinamentu ba comunidade



Graph 8: Results of the pre-test and post-test for training on democracy and access to justice for members of the village council and community members

¹⁴⁴ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrTreinamentuFSSBaucau_TETUM.pdf

¹⁴⁵ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrTreinamentuSukuMEHARALAUTUM_TETUM-1.pdf

¹⁴⁶ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrTreinamentuSUAI SucoNANU-FATUMEA_TETUM.pdf

¹⁴⁷ Please refer to the JSMP website: <http://jsmp.tl/wp-content/uploads/PrTreinamentu-Fatululik-Covalima-Suai-TETUM.pdf>

¹⁴⁸ Please refer to the JSMP website: <http://jsmp.tl/wp-content/uploads/PR-Suku-Taiboko-Oekusi.pdf>

The graph shows that based on the pre-test and post-test provided to members of the village council and community member who participated in the training, their knowledge improved moderately by 10%, from 45% to 55%.

Rezultadu treينamentu ba LGBTI



Graph 9: Results of the pre-test and post-test for training on democracy and access to justice for the LGBTI group

The graph shows that based on the pre-test and post-test provided to members of the LGBT community who participated in the training session, their knowledge about the training materials increased from 44% to 56%, namely an improvement of 12%.

Regional Seminars

In addition to training, JSMP also organized regional seminars in the jurisdictions of the courts to invite representatives from the National Parliament, the courts, the Public Prosecution Service and the Office of the Public Defender to attend and make presentations about their work, success and challenges. JSMP has presented its findings about legislative and justice issues to participants based on monitoring conducted at the courts and the National Parliament.

The topics covered in the regional seminars have included training materials about democracy, the role of sovereign organs, public participation in the law-making process and access to formal justice.

The aim of these seminars has been to facilitate direct contact between members of parliament (MPs) and judicial actors with the community under the title of ‘community meets leaders’. Therefore, participants are able to directly convey their concerns and issues to leaders. Participants in these seminars have included representatives from village councils and members of the LGBT community who have received the training.

In 2019 JSMP organized regional seminars in the jurisdiction of the Suai District Court which took place on 7 May 2019 at the Covalima Municipality Administration meeting room¹⁴⁹, and on 13 December 2019 at the Covalima Municipality Administration meeting room. JSMP regional seminars in the jurisdiction of the Dili District Court which took place on 6 October 2019, at the Caicoli Protestant Church meeting room in Dili. On 31 May 2019 JSMP organized a regional seminar in the jurisdiction of the Oecusse District Court in the Special Administrative Region of Oecusse-Ambeno.¹⁵⁰

Conclusions and Recommendations

The V Legislature of the National Parliament in 2019 was not really productive and did not show significant progress in relation to legislative work, however there was some progress made, particularly relating to monitoring work.

Issues that contributed to the low productivity of the National Parliament were punctuality and the lack of a National Legislative Program for the five year term or the duration of the legislature. The issue of punctuality related to plenary meetings as well as meetings of the Specialised Standing Committees.

Therefore, the National Parliament did not manage to discuss and approve many important laws such as the Draft Law Against Corruption, Draft Law on a Bar Association, Draft Law on Child Protection, Draft Law on Local Power and Administrative Decentralization and Draft Local Power and Administrative Decentralization, Draft Law on Mining etc.

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

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

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

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

- 1) Create a separate law regarding the suspension of mandate or removing the immunity of MPs in accordance with the provisions of Article 94 of the Timor-Leste Constitution and Article 8 of Law No. 15/2009 as amended by Law No. 1/2016 on the Rules of Procedure of the National Parliament. This separate law could describe in detail the types of crimes

¹⁴⁹ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrSeminariuRegionalSUAICOVALIMA_1TETUM.pdf

¹⁵⁰ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrPWPSeminariuRegionalRAEOA_Tetum-I.pdf

that would fulfill the criteria for removing immunity as well as the corresponding procedures, from a political, administrative and judicial viewpoint.

- 2) Uphold the national interest and avoid individual or political party interests when discussing or making decisions in the national interest.
- 3) Create a follow-up mechanism on what the Government can do to respond to recommendations in monitoring reports and issues raised by members of parliament in the plenary.
- 4) Develop a National Legislative Program for each Legislature to give priority to important laws, especially laws that can ensure the achievement of constitutional norms, especially programmatic norms relating to the exercise of fundamental rights, social rights and guarantees.
- 5) Priority should be given to scheduling pending draft laws or those that have expired, especially draft laws that have been with the parliament for many years, such as the Law Against Corruption, Law on Local Power and Administrative Decentralization, Electoral Law for Municipal Assemblies, Law on a Bar Association, Law on Mining, Law on Reparations, Law on Public Memory, Child Protection Law, Law on Juvenile Justice etc.
- 6) Amend the provisions of Article 1475 of the Civil Code to ensure the rights of all citizens to access public services offered by the State relating to marriage documents from other religious faiths in addition to the Catholic faith.
- 7) 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 and effectively speed up the development of these important laws.
- 8) Apply disciplinary sanctions against members of parliament that violate the Parliamentary Rules of Procedure, to prevent such behaviour from occurring in the future.
- 9) Avoid and reduce political discussion and practices focused on political party interests that are counterproductive as well as political revenge that undermine the national interest.
- 10) Disseminate information or raise awareness about laws that the parliament produces and are in force in Timor-Leste to all community members in remote areas.

Annex

The tables below show the laws, draft laws and draft resolutions approved by the National Parliament in 2019.

Table listing the Laws approved by the National Parliament in 2019

Law No.	Title	Date of Publication
No. 1/2019	First Amendment to Law no. 13/2005 of 2 September to the Law on Petroleum Activities ¹⁵¹	18/01/2019
No. 2/2019	2019 State Budget	Yet to be published
No. 3/2019	First Amendment to Law No. 3/2014 of 18 June that established the Special Administrative Region of Oecusse Ambeno and the Special Economic Zones for Social Market Economy of Oecusse Ambeno and Ataúro. ¹⁵²	15/08/2019
No. 4/2019	Special Labour and Migratory Regime applicable to the Bayu-Undan Project. ¹⁵³	27/08/2019
No. 5/2019	First Amendment to Law No. 8/2008 of 30 June that adopted the Tax Law, First Amendment to Law No. 3/2003 of 1 July on the Taxation of Bayu-Undan Contractors and First Amendment to Law No. 4/2003 of 1 July on the Timor Sea Petroleum Development (Tax Stability). ¹⁵⁴	27/08/2019

¹⁵¹ Please refer to this law at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_2_A.pdf

¹⁵² Please refer to this law at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_32_A.pdf

¹⁵³ Please refer to this law at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_33_B.pdf

¹⁵⁴ Please refer to this law at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_33_B.pdf

No. 6/2019	Second Amendment to Law No. 13/2005 of 2 September (Law on Petroleum Activities). ¹⁵⁵	4/12/2019

Table 2 Draft legislation approved by the National Parliament in 2019:

Initiative No.	Title	Date tabled	Date and outcome of vote
2/V/1 ^a	First amendment to Law No. 13/2005 of 2 September (Law on Petroleum Activities)	22/10/2018	Confirmatory vote (10/01/2019) In favour = 41 Against = 1 Abst = 0 (11.53)

Table 3 Draft legislation (Government bills) adopted by the National Parliament in 2019

Initiative No.	Title	Date tabled	Date and outcome of vote
1/V(1 ^a)	Extraordinary Authorisation for a Transfer from the Petroleum Fund (Urgent)	18/07/2019	20/07/2019 In favour = 35 Against = 25 Abst = 3 (22.20)
2/V(1 ^a)	The State Budget for 2019 (Urgent)	08/08/2019	07/09/2019 In favour = 42 Against = 9 Abst = 14 (10.22)
3/V(1 ^a)	The State Budget for 2019	08/11/2019	22/12/2019 In favour = 40 Against = 25 Abst = 0 (12.06)

Table 3 Draft resolutions approved by the National Parliament in 2019

Resolution No.	Title	Date tabled	Discussion and Vote
No. 1/2019	Electing Commissioners to the Anti-Corruption Commission. ¹⁵⁶	20/07/2018	15/01/2019 In favour = 42

¹⁵⁵ Please refer to this law at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_48.pdf

¹⁵⁶ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_2.pdf

			Against = 13 Abst = 2
No. 2/2019	Adopting the State's General Account for 2017. ¹⁵⁷	11/03/2019	11/03/2019 In favour = 43 Against = 0 Abst = 4
No. 3/2019	On the recommendations made by the Chamber of Auditors in the Financial Audit Report of the Authority for the Special Administrative Region of Oecusse Ambeno (RAEOA) and the Special Zones for Social Market Economy of Oecusse Ambeno and Ataúro (ZEESM). ¹⁵⁸	11/03/2019	11/03/2019 In favour = 30 Against = 0 Abst = 4 Did not vote = 13
No. 4/2019	Adopting a supplement and subsidy for holders of managerial or leadership positions and well as for staff of the National Parliament. ¹⁵⁹	06/02/2019	11/03/2019 In favour = 37 Against = 1 Abst = 6
No. 5/2019	Suspending the mandate of Member of Parliament Rosalina Ximenes for the purpose of taking part in judicial proceedings ¹⁶⁰	25/3/2019	25/3/2019 In favour = 39 Against = 2 Abst = 1
No. 6/2019	Establishing the Youth Parliament Programme. ¹⁶¹	26/3/2019	1/4/2019 In favour = 50 Against = 0 Abst = 0
No. 7/2019	Establishing the "Listening to the People/ <i>Lian Povo</i> " programme" ¹⁶²	09/07/2019 (Election)	09/07/2019 In favour = 63/98 Against = 0 Abst = 1
No. 8/2019	Election by the National Parliament of a member to the Advisory Council of the Petroleum Fund. ¹⁶³	09/07/2019	09/07/2019 In favour = 29/98 Against = 35 Abst = 0

¹⁵⁷ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_11.pdf

¹⁵⁸ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_11.pdf

¹⁵⁹ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_11.pdf

¹⁶⁰ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_12_A.pdf

¹⁶¹ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_14.pdf

¹⁶² Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_17.pdf

¹⁶³ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_18.pdf

No. 9/2019	Electing a member to the Board of Directors of the National Parliament. ¹⁶⁴	01/08/2019	-
No. 10/2019	Approving Recommendations to the Government on the International Day of the Family ¹⁶⁵	06/08/2019 FRETILIN and PD did not participate	06/08/2019 In favour = 34/54 Against = 0 Abst = 1
No. 11/2019	Suspending the mandate of the Member of Parliament Adérito Hugo da Costa for the purpose of taking part in judicial proceedings ¹⁶⁶	06/08/2019 FRETILIN and PD did not participate	06/08/2019 In favour = 34/54 Against = 0 Abst = 1
No. 12/2019	Suspending the mandate of the Member of Parliament Leandro Lobato for the purpose of taking part in judicial proceedings ¹⁶⁷	07/09/2019	18/09/2019 In favour = 25/89 Against = 33 Abst = 0
No. 13/2019	Granting permission to Member of Parliament Arão Noé de Jesus da Costa Amaral Depor to testify in judicial proceedings ¹⁶⁸	25/09/2019	09/10/2019 In favour = 53/82 Against = 0 Abst = 0 (12.28)
No. 14/2019	Granting permission to Member of Parliament Francisco Miranda Branco Depor to testify in judicial proceedings ¹⁶⁹	02/10/2019	02/10/2019 In favour = 49/75 Against = 0 Abst = 0 (12.33)
No. 15/2019	Ratifying the Treaty between the Democratic Republic of Timor-Leste and Australia Establishing their Maritime Boundaries in the Timor Sea ¹⁷⁰	05/01/2019	04/10/2019 In favour = 55/84 Against = 0 In favour = 0
No. 16/2019	Adopting the Agreement on Technical Cooperation and the Japan Overseas Cooperation Volunteers Programme between the Government of the Democratic Republic of Timor-Leste and the Government of Japan ¹⁷¹	09/10/2019	Vote in general 18/10/2019 In favour = 32/65 Against = 0 Abst = 10 (15.47) Final Vote of whole text 19/10/2019

¹⁶⁴ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_20_A.pdf

¹⁶⁵ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_20_A.pdf

¹⁶⁶ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_21.pdf

¹⁶⁷ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_27_B.pdf

¹⁶⁸ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_32.pdf

¹⁶⁹ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_32.pdf

¹⁷⁰ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_33_B.pdf

¹⁷¹ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_37_A.pdf

			In favour = 32/55 Against = 0 Abst = 4 (19.14)
No. 17/2019	Approving the Budget of the National Parliament 2020 ¹⁷²	07/09/2019	23/10/2019 In favour = 19/77 Against = 31 Abst = 0 (15.58)
No. 18 /2019	Granting permission to Member of Parliament Arão Noé de Jesus da Costa Amaral to testify in judicial proceedings ¹⁷³	07/09/2019	05/11/2019 In favour = 26/94 Against = 35 Abst = 0 (17.17)
No. 19 /2019	Granting permission to Member of Parliament Francisco Miranda Branco to testify in judicial proceedings ¹⁷⁴	-	5/11/2019 J: 38/94 H: 23
No. 20/2019	Granting permission to Member of Parliament Elvina Sousa Carvalho to testify in judicial proceedings ¹⁷⁵	-	-
No. 21/2019	Recommendation to the Government on the adoption of measures regarding the protection of Disabled Persons ¹⁷⁶	-	-
No. 22 /2019	Granting permission to Member of Parliament Francisco Miranda Branco to testify in judicial proceedings ¹⁷⁷	-	-
No. 23 /2019	Establishing the Group of Young Parliamentarians ¹⁷⁸	-	-
No. 24 /2019	Participation of the National Parliament in the Asian Parliamentary Assembly ¹⁷⁹	-	-
No. 25 /2019	Suspending the mandate of Member of Parliament António da Conceição for the purpose of taking part in judicial proceedings ¹⁸⁰	-	-

¹⁷² Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_37_A.pdf

¹⁷³ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_39_B.pdf

¹⁷⁴ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_39_B.pdf

¹⁷⁵ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_39_B.pdf

¹⁷⁶ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_39_B.pdf

¹⁷⁷ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_41.pdf

¹⁷⁸ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_41.pdf

¹⁷⁹ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_41.pdf

¹⁸⁰ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_41.pdf

No. 26/2019	Granting East Timorese nationality to Max Stahl for the distinguished and relevant services rendered to Timor-Leste ¹⁸¹	-	-
No. 27/2019	Appointment by the National Parliament of members to the Superior Council of the Office of the Public Prosecutor ¹⁸²	-	-
No. 28/2019	Appointment by the National Parliament of members to the Superior Council of the Office of the Public Defender ¹⁸³	-	-

¹⁸¹ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_50.pdf

¹⁸² Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_50.pdf

¹⁸³ Please refer to this resolution at: http://www.mj.gov.tl/jornal/public/docs/2019/serie_1/SERIE_I_NO_50.pdf