Mission Report

The Impact of New Round of Election to Civil Society in Timor-Leste

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FORUM-ASIA

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Executive Summary

Timor-Leste's independence from Indonesia in 2002 makes the country one of the world's newest democracies. The country continues to face challenges regarding the promotion and protection of human rights, including the repression of socio-cultural and economic rights, civil and political rights, gender equality and women's empowerment. The country also fails to ensure the safety of women human rights defenders and human rights defenders (W/HRDs).

Contrary to the political environment prior to the 2017 elections, which was characterised by a political alliance between the two biggest political parties in the country – Revolutionary Front for an Independent East Timor (Fretilin) and the National Congress for Timorese Reconstruction (CNRT) – the 2017 Parliamentary Elections saw a disruption of this alliance. Fretilin, which won 23 seats in Parliament, formed a Minority Government with the Democratic Party (PD) with a total 30 seats, three short of an absolute majority. The CNRT, which became parliamentary opposition together with the People's Liberation Party (PLP) and **Kmanek Haburas Unidade Nasional Timor Oan** (Khunto), formed a majority opposition coalition called the Parliamentary Majority Alliance (AMP).

Since the establishment of the new Government in July 2017, the AMP has rejected the Government's proposed programme twice. This situation has caused the President to dissolve the current Government and to call for new elections in May 2018, making it the second round of elections in ten months.

In May 2017, FORUM-ASIA, together with its local members The Judicial System Monitoring Program (JSMP) and Association for Law, Human Rights and Justice (HAK), organised a workshop aimed at developing, formulating, and consolidating a human rights agenda among civil society in Timor-Leste. The objective of the workshop was to use this unified human rights agenda to engage with different political parties on their human rights-related policies. A dialogue session was held between civil society organisations and political parties with the aim of establishing better engagement with political actors in Timor-Leste in advancing an international and regional human rights agenda.

Ahead of the new round of Parliamentary Elections that will be held on 12 May this year, the AMP decided to form a permanent coalition called the Alliance for Change and Progress, while Fretilin and the PD ran their own separate campaigns.

Reflecting on the political situation, civil society organisations raised concerns over the potential impact of the new round of elections at different stages of the elections process, on human rights, fundamental freedoms, and the existence of civic space. With the aim to consolidate input and recommendations from civil society in Timor-Leste and raise awareness about relevant concerns to key stakeholders, FORUM-ASIA organised a follow up mission to Dili, Timor-Leste, on 30 April to 3 May 2018.

The following report gives an overview of Timor-Leste's historical, political and social context, outlines the result of a mapping exercise of the threats, risks, and potential impacts that can result from the new round of elections and campaign processes, especially those related to fundamental freedoms and civic spaces. It also provides a list of recommendations to Timor-Leste's political parties.

List of Abbreviation

AMP: Parliamentary Majority Alliance
CAC: Comissao Anti-Corrupcao (Anti-Corruption Commission)
CNE: National Elections Commission
CNRT: Congresso Nacional De Reconstrucao de Timor (National Congress for Timorese Reconstruction)
CSO: Civil Society Organization
FDD: Frente de Desenvolvimento Democratico
Fretilin: Frente Revolucionária de Timor-Leste Independente (Revolutionary Front for an Independent East Timor)
GDP: Gross Domestic Product
HAK: Association for Law, Human Rights and Justice
JSMP: Judicial System Monitoring Program
Khunto: Kmanek Haburas Unidade Nasional Timor Oan
PD: Partido Democratico (Democratic Party)
PDHJ: Provedoria dos Direitos Humanos e Justicia (National Human Rights Commission of Timor-Leste)
PLP: Partidu Libertasaun Popular (People's Liberation Party)
UN: United Nations
UNTAET: United Nations Transitional Administration in East Timor
W/HRDs: women human rights defenders and human rights defenders

Historical Background

The present-day Democratic Republic of Timor-Leste is located on the eastern half of Timor island. The western half of Timor is a part of present-day Indonesia which was colonised by the Dutch in the early 1600s, while the eastern half of the island was colonised by the Portuguese in the early 1700s. East Timor was exploited for its rich agricultural products during the following two hundred years. During World War II, Timor island came under Japanese occupation.

East Timor was returned to Portuguese control in 1960, but through a series of resolutions between 1962 and 1973, the United Nations (UN) General Assembly recognised the Timorese' right to self-determination. The pro-Portuguese Government at the time, however, denied this.

During Portugal's democratic revolution in 1974 and 1975, the Revolutionary Front for an Independent East Timor (Fretilin) declared independence. The declaration of independence was not recognised by the Indonesian Government under President Suharto. The Indonesian army invaded East Timor in December 1975, and on 17 July 1976 annexed East Timor as its 27th province. The invasion and occupation of Indonesia army cost the lives of nearly a third of East Timor's population.[1] Under Indonesian rule, the use of Tetum, East Timor's indigenous language, was discouraged.

After a long struggle for independence and the severe international pressure on Indonesia, Indonesia granted East Timor the right to decide on its own future through a referendum in 1999. 80 per cent of East Timor's population voted in favour of independence. Indonesia relinquished power, and the UN took over control of East Timor and set up the UN Transitional Administration in East Timor (UNTAET).

In 2001, resistance leader Xanana Gusmao was elected as the first president through the country's first free elections in 24 years. On 20 May 2002, the UN officially relinquished control of the country, making the newly named Timor-Leste the first new country of the third millennium and the newest democracy in South East Asia. Since gaining independence, the people of Timor-Leste have strived towards greater political and socio-economic development. This collective aspiration is reflected in their National Development Plan for 2011-2030. [2]

Governance Structure of Timor-Leste

According to the Constitution of the Democratic Republic of Timor-Leste, the country follows a parliamentary system of government. A President sits as the Head of the State and a Prime

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[1] "A Short History of Timor-Leste" https://bairopiteclinic.org/a-short-history-of-timor-leste/
[2] "Timor-Leste Strategic Plan 2011-2030" http://timor-leste.gov.tl/wp-content/uploads/2011/07/Timor-Leste-Strategic-Plan-2011-20301.pdf/

Minister as the Head of Government governing the executive branch. The legislative branch of the country is run by a unicameral National Parliament, which is comprised of Members of Parliament elected for five-year terms through a system of proportional representation. The exact number of seats for Members of Parliament may vary from 52 to 65, with the exception of the first Parliament which had 88 members.[3] The judiciary is independent of the executive and the legislature, although the Supreme Court of Justice has one judge appointed by the National Parliament. Timor Leste's Constitution is modelled on that of Portugal. The country is still in the process of building its administrative capacity and governing institutions.

The first National Parliament was created as a Constituent Assembly in 2001, while the country was still under the supervision of the UNTAET. The Constituent Assembly was renamed the National Parliament on 20 May 2002, following the approval of the Constitution. Exceptionally, the first parliament was comprised of 88 representatives whose terms lasted for six rather than five years. This was because the Constitution provided that, after it entered into force in 2002, the existing 88 member Constituent Assembly would become Timor-Leste's first National Parliament and sit for the full five-year term.

Social and Economic Background

Timor-Leste has the highest proportion of Catholics of any country in Asia, with approximately 96 per cent of the population identifying as Roman Catholic. Timor-Leste's current parliamentary body reflects a dominant centre-left ideology, which values social equality. Ideally, this would translate into support for initiatives that protect and affirm equal opportunity, such as anti-discrimination legislation for vulnerable groups and related policies in public institutions. 32 per cent of the seats in the national parliament are held by women.[4]

Since independence, Timor-Leste's Gross Domestic Product (GDP) growth rates have fluctuated significantly. Following several years of weak economic performance after the withdrawal of UNTAET, there was a strong economic recovery in 2005 with an annual GDP growth of 6.2 per cent. Due to political and social turmoil in 2006, this growth trend faltered slightly dropping to 5.8 per cent, but the economy recovered after 2007 and hit a peak of 9.5 per cent in 2011. Timor-Leste's GDP growth hit a low point of 2.9 per cent in 2013, but has subsequently recovered and presently hovers at approximately five per cent.

Despite this seemingly positive economic growth, almost half of Timor-Leste's population lives below the poverty line.[5] The Asian Development Bank (ADB) reports that only 40.2 per cent of population aged 15 and older is employed; an alarming statistic considering that more than half of the total population is under the age of 25. The maternal mortality ratio is 215 maternal deaths per 100,000 live births.

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[3] "Politics: Unicameral Parliamentry System," Government of the Democratic Republic of Timor-Leste, http://gov.east-timor.org/AboutTimorleste/pol.htm

[4] "Basic 2018 Statistics," Asian Development Bank, https://www.adb.org/mobile/basic-statistics-2018/#

[5] "The World Bank In Timor-Leste," The World Bank, 26 March 2018, http://www.worldbank.org/en/country/timor-leste/overview

The International Labour Organization (ILO) has worked to improve youth employment through the Decent Work Country Programme and by assisting the Government to develop a National Employment Strategy for 2017-2030.[7] The National Employment Strategy will be used as a framework to strengthen the focus on employment across the policy spectrum, in particular for policy areas that are related to youth and women.

Legal Framework Governing Elections in Timor-Leste

Timor-Leste conducts two separate national-level elections: one for the President and one for the National Parliament. The Presidential Elections are governed by the Fifth Amendment to the Law No. 07/2006 on Election of the President. The laws governing voter registration and election management bodies are Law No. 06/2016 on Voter Registration and Law No.07/2016 on Election procedures, the Second Amendment to Law No. 05/2006 on Election Management Bodies, respectively. [8] The National Parliamentary Elections are governed by the Law on the Election of the National Parliament, including amendments up to Law No. 9/2017, which stipulates all relevant regulations, including those related to voters, monitoring bodies, and codes of conduct.[9]

Political Organizations

Timor-Leste has a multi-party political system. In the 2017 elections, five main parties emerged as significant political organisations:

1. Revolutionary Front for an Independent East Timor (Frente Revolucionaria de Timor-Leste Independente or Fretilin), chaired by the current Prime Minister Mari Alkatiri;
2. National Congress for Timorese Reconstruction (Congresso Nacional De Reconstrucao de Timor or CNRT), chaired by former President and former Prime Minister Xanana Gusmao;
3. People's Liberation Party (Partidu Libertasaun Popular or PLP), chaired by former President Taur Matan Ruak;
4. Democratic Party (Partido Democratico or PD); and
5. Khunto Party (Kmanek Haburas Unidade Nasional Timor Oan), a new party linked to a youth martial arts group with connections to the Indonesian era.

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[7] "Timor-Leste National Employment Strategy 2017 – 2030," International Labour Organization, 17 July 2017, http://www.ilo.org/jakarta/whatwedo/publications/WCMS_565175/lang--en/index.htm

[8] "Elections in Timor-Leste: 2017 Presidential Elections, Frequently Asked Questions," Asia-Pacific International Foundation for Electoral Systems, 16 March 2017, https://www.ifes.org/sites/default/files/2017_ifes_timor_leste_presidential_elections_faqs.pdf

[9] "Law on the Election of the National Parliament" https://www.laohamutuk.org/Justice/2017/ElPar/Law%209-2017en.pdf

[10] James, Felicity. "Timor-Leste election: 'Disenfranchised youth' party wins first seats in parliament," ABC News, 24 July 2017, http://www.abc.net.au/news/2017-07-23/disenfranchised-youth-party-wins-seats-in-timor-leste-election/8736032

2017 Election, Formation of Government and Opposition

Timor Leste's most recent Parliamentary Elections were held on 22 July 2017. The National Elections Commission (CNE) certified 21 parties to be on the ballot. Fretilin won narrowly with 23 seats, followed by CNRT with 22 seats, PLP with eight seats, DP with seven seats and Khunto with five seats.

The new Government was formed as a minority Government coalition of Fretilin and PD, who collectively occupied 31 out of the 65 seats in the new National Parliament. The elected Prime Minister, Mari Alkatiri from Fretilin, finalised his selection of the Council of Ministers on 12 October 2017. The Cabinet was comprised of 17 people from Fretilin, seven people from PD, three people from PLP, one person from CNRT, one person from the Timorese Democratic Union, and eight independents.[11]

On the same day that the selection of the Council of Ministers was announced, the policy platform of the 'Parliamentary Majority Alliance' (AMP) was released by CNRT, PLP and Khunto.[12] This move significantly raised existing tensions between Fretilin and CNRT - the two largest parties in Parliament. At a 16 October press conference CNRT stated that they would take a stance in opposition to the Government and that they wanted to gain enough time to implement a programme to train party cadres.

Photo :Angie Umbac

[11] "List of members of the 7th Constitutional Government of RDTL" https://www.laohamutuk.org/misc/gov7/MinistersVIIgovt.pdf
[12] 'Parliamentary Majority Alliance (AMP) policy platform' https://www.laohamutuk.org/misc/gov7/AMPPlatformTe.pdf

The Program of the Seventh Constitutional Government (2017-2022)

The Programme of the Seventh Constitutional Government (2017-2022) was approved by the new Council of Ministers on 6 October 2017. The five-year Programme outlined objectives to be achieved in four main sectors. The sectors and related objectives of the Programme are outlined below.

SOCIAL SECTOR

- Universal access to quality schooling
- Universal access to health services
- Support for vulnerable people
- Sustainable Development for all generations
- More active creative industries promoting national culture
- Health and instruction with ethical values for youth

INFRASTRUCTURE DEVELOPMENT

- Increases productive capacity to increase potential GDP
- Improve people's access to services
- Raise sustainability of infrastructure

ECONOMIC SECTOR DEVELOPMENT

- Increase agricultural production
- Develop industry from natural resources
- Raise household incomes through creating jobs
- Create favourable environment for economic diversification

INSTITUTIONAL MODERNIZATION

- Guarantee defence, security and national stability
- Guarantee an accessible and effective justice system
- Integrate Timor-Leste in global positions
- Strengthen democratic culture, through responsibility and transparency
- Implement efficient, effective and responsible public sector management

Some of the specific initiatives featured in the 2017-2022 Program include: establishing a desalinization program; creating a National Tourism Authority; building industrial parks and economic development zones; establishing R&D to assist small businesses; creating an authority to manage the Tasi Mane[13] petroleum project; and promoting private sector development of water and sanitation infrastructure. [14]

A Rocky start for the 7th Constitutional Government: the rejection of the Program of Government, Budget Amendment and No Confidence Motion

As outlined in Section 108 of Timor-Leste's Constitution, *'once approved by the Council of Ministers, the Prime Minister shall, within a maximum of 30 days after appointment of the Government, submit the Programme of Government to the National Parliament for consideration.'* [15] The proposed Programme of the Seventh Constitutional Government (2017-2022) was tabled to the National Parliament and debated during the week of 16 October 2017. On 19 October 2017, the Parliament voted 35 to 30, opposition coalition to governing coalition, to reject the Programme. Section 109 of the Constitution stipulates that a rejection of the Programme of Government requires an absolute majority of the Members of the National Parliament, which in this case was achieved by the majority opposition coalition.

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[13] Palatino, Mong. "Timor-Leste's Tasi Mane Project," The Diplomat, 17 October 2011, https://thediplomat.com/2011/10/timor-lestes-tasi-mane-project/

[14] "Timor-Leste's Seventh Constitutional Government," 16 February 2018, https://www.laohamutuk.org/misc/gov7/17VIIGov.htm

[15] "Constitution of the Democratic Republic of Timor-Leste," http://timor-leste.gov.tl/wp-content/uploads/2010/03/Constitution_RDTL_ENG.pdf

When their Programme was rejected, the Government had the opportunity to submit a revised Programme for approval by the National Parliament. Section 112 of the Constitution states that if the Parliament rejects the Programme of a Government twice, the dismissal of the Government shall occur. Following the dismissal of a Government, the President will then offer the party with the second highest number of seats in parliament the opportunity to attempt to form a Government.

After the first rejection in October 2017, the Council of Ministers met to review amendments to the Government Programme and analyse the revised budget. The Council approved the budget on 8 November 2017 and presented it to the Parliament the following day with the request to expedite the procedure for the approval of the budget. On 15 November, Parliament's Budget Committee issued a report rejecting the budget, and the Members of the National Parliament voted to reject the budget on 20 November 2017, again with 35 votes to 30.

On the same day the National Parliament voted to reject the budget. The AMP introduced a no confidence motion, Censure Motion, to Parliament based on the fact that the Government had not re-submitted a revised Programme of Government within 30 days of its initial rejection as stipulated in the Constitution.

The Government was in a difficult position, because if their Programme was rejected for a second time or if the Censure Motion passed, the Government would be dismissed. With their minority status, the governing coalition did not have enough seats in Parliament to get their Programme approved or to block the Censure Motion. In response to this situation, President Aniceto Guterres declined to call a plenary session, which could approve the Censure Motion. The Government avoided dismissal for the moment.

On 1 December 2017, the majority opposition introduced an impeachment motion to remove President Aniceto Guterres from his position. In a press conference he addressed AMP's impeachment motion, stating that this move was made by the opposition as a part of a concerted attempt to bring down the elected Government. He expressed concern about the abusive approach of the opposition, which used every means to achieve their political objective of causing the Government to fall as fast as possible.[16]

On 11 December 2017, the Minister of Finance presented the budget rectification proposal to the Budget Committee, as well as publishing two Budget Books on its website. The budget was voted down the next day. The AMP said that the rectification budget should not be discussed before the Government's Programme was approved, and that the focus should be on the budget for 2018.

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[16] "President of the National Parliament held a press conference on the request for removal of the President of Parliament" https://www.laohamutuk.org/misc/gov7/PPNResponse11Dec2017.pdf

President Aniceto Guterres then scheduled the rectification budget for plenary debate on 14 December, but he later postponed it due to security concerns. On 18 December, Parliamentary leaders decided not to take up the rectification budget, but the President scheduled it for the next day, to be followed by discussion of the Censure Motion and motion to dismiss the President.

On 19 December, Parliament approved the opposition's appeal of President Guterres' decision to schedule the rectification budget debate, effectively killing the proposal. The vote was 35 votes for and five votes against, after most of the Fretilin and PD members walked out.
The stalemate in Parliament continued until 26 January 2018, when the President ordered the dissolution of the Parliament, exercising his power stipulated under Section 86(f) of Timor-Leste's Constitution. Section 86(f) permits the President to '*dissolve the National Parliament in case of a serious institutional crisis preventing the formation of a government or the approval of the State Budget that last for more than 60 days*.' [17] The President had to wait until the end of January 2018, exactly six months after the 22 July 2017 election, to dissolve the Parliament in order to be compliant with Section 100 of Constitution which states that *'the National Parliament shall not be dissolved during the 6 months immediately following its election.'* [18]

On 7 February, President Aniceto Guterres announced that new Parliamentary elections were to be held on 12 May 2018.

Findings of the FORUM-ASIA Follow-Up Mission to Timor Leste

In May 2017, FORUM-ASIA, together with JSMP and HAK, organised a workshop aimed at developing, formulating, and consolidating a human rights agenda among Civil Society Organizations (CSOs) in Timor-Leste in order to empower them to engage with the country's political parties regarding human rights-related policies. A dialogue session was held between CSOs and political parties, which was a key part of the workshop aimed at establishing a better engagement with political actors in Timor-Leste towards advancing an international and regional human rights agenda. A set of recommendations were submitted to the political parties and the elected government. These recommendations, however, could not be realised due to the political gridlock in the country following the July 2017 parliamentary election.

Reflecting on the current political situation, civil society organisations have raised concerns over the potential impact of the upcoming 12 May 2018 election on human rights, fundamental freedoms, and the existence of civic space in the country. To address these

[17] "Constitution of the Democratic Republic of Timor-Leste," http://timor-leste.gov.tl/wp-content/uploads/2010/03/Constitution_RDTL_ENG.pdf
[18] "Constitution of the Democratic Republic of Timor-Leste," http://timor-leste.gov.tl/wp-content/uploads/2010/03/Constitution_RDTL_ENG.pdf

concerns, FORUM-ASIA in co-operation with JSMP and HAK organized a follow-up mission to Timor-Leste's capital city Dili from 30 April to 3 May 2018. The delegation consisted of Nursyahbani Katjasungkana (former MP and board member of legal-aid foundation Yayasan Lembaga Bantuan Hukum Indonesia), Sylvia Angelique S. Umbac (Commission on Human Rights Philippines - Chief, Advocacy and Campaign Division, Human Rights Education and Promotion Office), and Rachel Arinii Judhistari (East Asia and ASEAN Advocacy Programme Manager of FORUM-ASIA).

The aim of the mission was to map the threats, risks, and potential impacts that could result from the 12 May 2018 election – during the campaign, on election day, and in the post-election period. The mission included bilateral meetings with key political parties and the facilitation of a dialogue between CSOs, the CNE, the PDHJ, UN agencies, and related stakeholders regarding the possible impacts on civic space, fundamental freedoms, and the security of W/HRDs.

The consultations concluded that the election process has already impacted the civic space and fundamental freedoms of Timorese people, and more importantly, that the result of the 12 May 2018 election will be crucial in ensuring the political stability of the country.

The key findings from the mission are:

- CSOs acknowledge it was the longstanding tensions between Fretilin and CNRT which led to the current political gridlock. The two parties, both claiming roots in the nation's struggle for independence, have their own visions for how Timor-Leste should develop. This political turmoil has resulted in the stagnation of the country, since neither the Programme of Government nor the budget was able to be approved by parliament. Without a functioning government, the problems experienced by vulnerable groups are left unaddressed. CSOs are also concerned about a potential repeat of the political deadlock experienced following the 2017 elections, as some parties might not be satisfied with the results. As Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people face additional threats in regards to their fundamental freedoms, during the consultation LGBTI rights groups expressed concern about possible security threats they might face if there will be no consensus, peace and stability after the elections process.

- Nearly all stakeholders made the recommendation that political parties should honor the result of re-election. Political parties should ensure there is collaboration between executive and legislative branches to approve the Programme of Government and the budget in a timely fashion, as these are the critical foundations for national political stability. Some CSOs also highlighted the importance of revising the Law on Political Parties and the Law on Elections to ensure a transparent process for selecting members of parliament in the proportional representation system.

- Despite the absence of systematic independent monitoring of the campaign process prior to the election, CSOs have documented incidences of rule violations and violence during the campaign period. These include: dirty-tricks campaigning against political figures; online intimidation targeting supporters of rival political parties; physical damage to political parties' vehicles during campaign events; and clashes between supporters of rival parties. In one case documented by the Australia Timor-Leste Election Observer Mission, 16 people were injured and two vehicles were torched. The CNE issued a letter to all political parties urging them to respect the unity pact that they signed prior to the campaign period. The pact highlighted the commitment of political parties to maintain peace and security during the campaign period and election process.

- The upcoming elections are particularly significant as it will test the strength of democracy in Timor-Leste. There is a different national mood surrounding the 12 May 2018 elections compared to previous ones. While Timorese voters recognise that early elections are necessary, there are concerns over the costs of traveling from home to polling stations for the second time in less than a year. Some observers foresee a lower turnout compared to the July 2017 election. To mitigate the risks of having a lower voter turnout, CSOs have highlighted the importance of voter education and ensuring the accessibility of voting technicalities (forms, ballot box security, polling stations, etc.) for vulnerable groups such as people with disabilities, migrant workers and prisoners. The CNE has provided voter education and will be working together with CSOs to amplify their messages.

- Women activists expressed the need to have meaningful women's participation in politics, beyond simple tokenism during campaigning. They demand that political parties should ensure women's participation within their structure and promote a greater participation of women in the Parliament.

- CSOs highlighted the importance of the full implementation of Government's commitments to promote and protect human rights as well as to address past human rights violations. This commitment is directly related to Timor-Leste's interest to become a member of ASEAN, which would require the implementation of protections of the human rights and fundamental freedoms of all Timorese people. At present oil and gas revenues are depended on to pay for the bulk of government expenditure, but oil revenues are in steep decline and the country has few other productive economic sectors. Thus the government is interested in joining ASEAN so as to open markets and enhance the economy.

- With 40 per cent of the Timor-Leste population living under the poverty line and 60 per cent of the population being under 25-years old, the provision of employment opportunities and the construction of essential infrastructure will be key tasks for the new government. The inability of the government to pass a Programme of Government and budget following the 2017 election disrupted progress on these key issues.

- The recent political gridlock has affected the government's ability to enforce the mandate of the Anti-Corruption Commission (CAC) by passing the laws needed to strengthen the body. CSOs highlighted the importance of prioritizing the passing and implementation of laws and policies to strengthen the CAC.

- The Commission on Human Rights Philippines shared a proposal for the PDHJ to monitor the election and create a complaints mechanism for election-related human rights violations. This would be an extremely important step towards preserving civic space and protecting fundamental freedoms.

During the follow-up mission, the FORUM-ASIA delegation also met with the key political parties – namely AMP, DP and Frente de Desenvolvimento Democratico. Our aim in meeting with these political parties was to reinforce the CSOs' recommendations and demands for free and fair elections, as well as to request that the political parties' make a commitment to accept the result of the re-election and honour their campaign promises to advance the wellbeing of and protect the human rights of the Timorese people.

Photo :Angie Umbac

Meeting with political parties in Dili, 1 and 3 May 2018

Photo :Angie Umbac

Media Briefing with JSMP and Hak, 2 May 2018

RECOMMENDATIONS

The CSO workshop resulted in a set of recommendations to Timor-Leste's political parties in four key areas: civic and political rights; the security and fulfillment of rights for human rights defenders and the victims of the past human rights crimes; gender equality and women empowerment; and the promotion of economic, social and cultural rights. The full text of the recommendations in Tetum language can be found in Annex 1.

FORUM-ASIA calls on all political parties in Timor-Leste, the National Election Commission,the Provedoria dos Direitos Humanos e Justicia (PDHJ, the National Human Rights Commission of Timor-Leste), and civil society in the country to collaborate to ensure respectful election campaigning and free and fair elections on 12 May 2018. In particular, we call on all political parties to respect the eventual vote and decision made by the people of Timor-Leste, and for them to collaborate in ensuring the political stability of the country. Political interests should be put aside. Only through listening to and understanding each other, can the principle of participation of all be upheld, and the diverse people of the country be united. After the turbulent history Timor-Leste has had, this is all that those who have the good of the people at heart can wish for.

Annex 1. Recommendations from CSOs to Political Parties in the context of Re-Election

Pozisaun Polítika Sosiedade Sívil bá Partídu Polítiku sira ne'ebé atu kompete iha Eleisaun Antesipada Parlamentár 2018

I. Introdusaun

Preukupasaun Sosiedade Sívil nian ba situasaun direitus umanus ne'ebé la'o durante restaurasaun independénsia tinan 16 nia laran sei dauk la'o ho di'ak. Situasaun ne'e, sei hodi efeitu ba hamonu sistéma Estadu de Direitu no Demokrátiku ba sistéma Estadu oligarkia no sistéma Estadu Kleptokrasia. Indikasaun husi mudansa ne'e, bele haree husi pratíka ne'ebé dala barak akontese, hanesan intervensaun polítika ba seitór judisíariu ne'ebé maka'as liu, kazu koroupsaun, koluzaun no nepotizmu husi loron ba loron kontinua aumenta, krimi bazeia ba jéneru ninia grafíku aumenta sa'e ás no polítika ba dezenvolvimentu nasionál inklinasaun maka'as liu ba riku na'in sira duke dezenvolve rekursus naturais sira ne'ebé mak Timor-Leste iha.

Konsekuensia husi problema sira iha leten ne'e, ami Sosiedade Sívil iha Timor-Leste lista problema sériu sira Direitus Umanus nian mak hanesan tuir mai ne'e:

II. Problema Direitus Umanus

A. Direitu Sívil no Polítika

1. Intervensaun Polítika ba Seitór Judisíariu makas tebes. Ita bele haree husi ezemplu kazu balu ne'ebé mak ami lista hanesan tuir mai:
    a. Hasai Maternus Bere husi prizaun Becora;
    b. Kazu korupsaun sira, hanesan kazu Emilia Pires no kazu sira seluk.
       Kazu sira ne'e, tuir lolos posijaun Tribunál nian tenke imparsiál, independenti no justu.
       Maibé iha realidade justisa so aplika deit ba povu ki'ik sira no ba defensór direitus umanus sira.

2. Kazu seluk mak orgaun Ejekutivu hamutuk ho Lejislativu, hasai rezolusaun hodi duni sai Juíz no asesór Internasionál sira, ami konsidera aktu ne'e kontra maka'as Konstituisaun da República. Efeitu husi aktu polítika ne'e mak ikus mai hodi konsekuensia ba hafraku sistéma judisíariu. Efeitu ne'ebé mak bo'ot liu tan mak formasaun iha sentru formasaun judisíariu paradu no kazu sira violasaun direitus umanus iha pasadu la prosesu;

3. Prosesu ba kazu krime kontra umanidade ne'ebé la iha serteja hodi hamosu kazu Violasaun Direitus Umanus foun;

4. Estadu limita liberdade ekspresaun;
   PNTL la interpreta lei manifestasaun nian ho lolos, tamba ne'e laiha espasu ba públiku hodi hato'o sira nia espresaun relasiona ho desijaun polítika ruma ne'ebé la iha inklinasaun ba povu ki'ik sira;

5. Estadu hasai rezolusaun hodi taka organizasaun komunitáriu sira hanesan KRM no Arte Marsiais sein liu husi desizaun Tribunál; Halakon ema nia vida, hanesan kazu Alfredo Reinado no kazu Mauk Moruk;

6. Maske iha ona Lei Komunikasaun Sosiál, maibe lei ne'e seidauk fó protesaun ba jornalista sira hodi hala'o sira nia kna'ar hodi hetan no fó informasaun ba públku. Iha pratíka, jornalista sira sei nafatin hetan ameasa no kriminaliza ba informasaun ne'ebé sira publika (kazu ne'ebé akontese ho Jornalista sira husi Timor Post);

7. Iha prátika demokrásia, sei nafatin iha diskriminasaun hasoru feto no ema ho difisiensia no iha prátika prinsípiu direitus umanus, tuir lolos Estadu respeitu no konsidera ejisténsia grupu feto no garante partisipasaun feto no ema ho difisiensia iha prosesu polítika ne'ebé la sai prioridade iha lei eleitorál; nune'e mós laiha asesibilidade ne'ebé adekuadu ba ema ho difisensia matan liu-liu relasiona ho bulletin de votu;

8. Prosesu akuntabilidade ba kazu krime kontra umanidade iha pasadu ne'ebé la la'o hodi hamosu injustisa ba vítima sira, tanba autór sira sei la'o livre hela iha estranjeiru. Tanba laiha prosesu akuntabilidade no prosesu justisa hasoru autór kriminozu sira, nune'e hodi efeitu repetesaun ba violasaun direitu umanus foun.

B. Defensór Direitus Umanus

1. Serbisu ne'ebé hala'o husi Defensór Direitus Umanus sira hanesan defensór ba rai, jornalista no sira ne'ebé halo serbisu hodi halo defesa ba intrese públiku (direitu sivil no Politika no mós direitu ekonómia, sosiál no kulturál) no defende lia lós sempre hetan amiasa, intimidasaun, torturasaun no halakon sira nia vida ne'ebé komete husi autóridade seguransa (Polísia no F-FDTL).

2. Iha kontestu defensór direitus umanus, povu iha obrigasaun atu hato'o informasaun kona-ba violasaun kontra lei no direitus umanus, maibe tanba sistéma judisíariu ne'ebé ladun funsiona ho di'ak, nune'e halo povu laiha vontade no tauk atu fó sira ninia sasin ba autóridadi judisíariu tanba estadu la iha kbi'it atu garante no proteje komunidade sira ne'ebé hakarak hato'o keixa.

3. Ami fó atensaun espesiál ba atake no ameasa sira hasoru grupu LGBTI (Lesbian Gay Bisexsual Transgender no Intersex) ne'ebé akontese bei-beik tanba komunidade LGBTI hanesan komunidade ida ne'ebé iha mós direitu hanesan ho komunidade seluk. No sira ninia Direitus Umanus tenke hetan garantia no protesaun husi Estadu.

C. Violénsia bazeia ba Jéneru

Ami konsienti katak kultura patriark sai abut metin tiha ona iha kontestu polítiku, ekonómiku, sosiál, kultura ne'ebé hodi konsekuensia ba esplorasaun hasoru feto sira. Hanesan ita hotu hatene, feto no labarik feto sira barak ne'ebé sai vítima husi violénsia bazeia ba jéneru, esplorasaun ba feto, poligamia no insestu. Ami mós fó atensaun espesiál ba labarik feto sira iha Timor-Leste ne'ebé lakon sira nia direitu ba eskola tanba isin rua sedu.

D. Direitu Ekonómia, Sosiál no Kulturál

Timor-Leste nu'udar estadu ida ne'ebé adopta mós Konvensaun Internasionál Direitu Ekonómia, Sosiál no Kulturál, ne'ebé hatu'ur katak, Estadu parte sira ba konvensaun ida ne'e kompromete atu asegura direitu hanesan ba mane no feto sira hodi goja sira nia direitu ekonómiku, sosiál no kultura hot-hotu ne'ebé estabelese iha konvensaun ida ne'e.

Maske Estadu Timor-Leste adopta ona konvensaun internasionál refere, maibe iha realidade Estadu seidauk hakonu no implementa konvensaun ne'e depois de restaurasaun Independensia ba dala 16.

Realidade ne'e ita bele hare husi orientasaun polítika no planu dezenvolvimentu ne'ebé seidauk klaru kona-ba dezenvolvimentu rekursus umanus no dezenvolvimentu rekursu naturais. Estetmentu ne'e bele haree husi estrutura sosiál no ekonómia hodi hamosu klase sosial (desigualidade entre riku ho ki'ak) ass. Situasaun ne'e la kondís ho planu governu nian atu hola parte iha komunidade Asean ne'ebé ho ninia kriteria, estadu membru sira, iha kbi'it atu kompete iha seitór ekonómia no kapasidade rekursu umanu.

1. Problema dezenvolvimentu no maneza rekursu naturais, ne'ebé sei dauk iha atensaun sériu ba seitór renovavél hanesan agrikultura, peskas, floresta, pekuaria no turizmu, maibé governu ninia polítika depende liu ba rekursu minarais no orsamentu imprestímu hodi dezenvolve maka'as liu ba mega projeitu sira hanesan ZEEMS, Suai Supply base no seluk tan ne'ebé ita sei dauk hatene ninia benefísiu ekonómiku ba povu;

2. Dezenvolvimentu rekursu umanus sei menus liu, tanba ne'e lori efeitu ba hamenus kampu servisu. Nune'e mak la iha diversifikasaun ekonómia iha Timor-Leste.

3. Ami mós konsenti katak iha seitór edukasaun sei fraku husi aspeitu konseitu no infrastrutura hanesan eskola publiku no ninia fasilidade sira ne'ebé sei menus nomos kuantidade eskola tekníku vokasional sei menus no kualidade manorin nain sira seidauk kualifikadu (Ezemplu Pre-sekundaria Garibuana-Suku Mauchiga Postu Administrativu Hatubuilico, Ainaro). Tanba ne'e la-bele prodúz rekursus umanus ne'ebé iha kualidade hodi dezenvolve planu ne'ebé mak lolos no klaru hodi hatan nesesidade povu nian.

4. Setór Saúde nu'udar setór fundamentu ida hodi hasae kualiade rekursu umanu, maibe iha realidade sei hasoru problema krusiál tanba laiha jestaun rekursu umanus ne'ebé adaptivu no responsivu, menus fasilidade nune'e lori efeitu negativu ba mortalidade inan no oan nomós mal nutrisaun, malária no TBC, HIV-Aids aumenta.

III. Rekomendasaun

A. Direitu Sívil no Polítika:

1. Urjentimente aprova Lei Anti Koroupsaun no haforsa instituisaun Estadu sira hanesan PDHJ, CAC no Tribunál seim halo intervensaun. Nune'e mós urjentimente dezvalida rezulusaun duni sai juizís internasionál sira no kontinua halo relasaun di'ak ho paiz CPLP;

2. Revé fila fali Lei Eleitorál, Numeru 9/2017 ho sentidu atu fo espasu ba sidadania hotu ho flexsibilidade atu vota iha fatin ne'ebe de'it.

3. Governasaun foun mai, halo esforsu ho dalan oi-oin hodi lori fila fali autór kriminozu sira mai tuir prosesu judisíariu iha Timor-Leste;

4. Ho urjentimente husu ba Estadu atu lailais halo ratifikasaun ba Konvensaun ba Ema ho Difiensia;

5. Ho urjensia, husu atu ratifika Konvensaun Internasionál kona-ba Halakon Ema ho Forsadu.

6. Husu urjensia ba Parlamentu Nacional foun atu hare no diskute fali Esbosu Lei Reparasaun ba vitima husi okupasaun ilegal Indonesia nia.

7. Husu ba Governu no Instituisaun Indepedente eleitoral sira, atu aloka orsamentu ba produsaun boletin de votu (Braim) ba ema hó defisiente matan sira.

8. Husu ba Governu halo edukasaun sivika ba komunidade kona-ba sidadania nia direitu sivil politiku nian.

9. Husu ba Parlamentu Nasionál no Governu atu halo revizaun ba Lei Kodigu Penal, hodi kriminaliza aktus insulta, mal trata iha media sosiál.

B. Defensór Direitus Umanus

1. Atu garante ejisténsia grupu LGBTI bazeia ba prinsípiu Direitus Umanus, tenki hahú ho edukasaun ba públiku no autoridade judisíariu tenki proteje grupu LGBTI seim iha rajaun, iha tempu tinan ida nia laran;

2. Integra asuntu direitus umanus iha Kuríkulu Edukasaun Nasionál;

3. Urujentemente implementa lei protesaun Sasin, Lei Nu. 2/2010, no mos harii

4. Husu ba estadu atu ratifika konvensaun ba Direitu LGBTI, no halo edukasaun sivika hodi respeita, la halo diskriminasaun no stigamasaun ba ema ho LGBTI;

5. Husu ba estadu atu konsidera no respeita inklusaun ema hó kondisaun Defisiente iha instituisaun Publiku hotu;

6. Husu ba estadu atu proteje direitu defensor Direitus Umanus.

C. Violénsia bazeia ba Jéneru

1. Ami husu ba governasaun foun, atu loke espasu ba feto sira hodi asesu sein limitasun iha seitór hot-hotu no reativu fila fali kualker lei sira ne'ebé fó protesaun ba feto sira (Lei violénsia doméstika sira no lei protesaun labarik) no hakotu kazu sira ne'ebé diskrimina feto ne'ebé pendente hela iha Tribunál;

2. Urjentimente rekoopera fila fali direitu labarik feto sira ne'ebé nia direitu ba eskola lakon tanba isin rua sedu, atu labarik feto sira, la lakon direitus ba edukasaun.

3. Husu Parlamentu Nasionál atu halo amandamentu ba Kodigu Penal hodi kriminaliza kazu insestu sein hare ba idade no konsentimentu.

D. Direitu Ekonómia, Sosiál no Kulturál

1. Dezenvolve polítika hodi diversifika no intensifika produtu lokál ba merkadu lokál no nasionál;

2. Dezenvolve konseitu edukasaun ne'ebé inkluzivu ba povu Timor-Leste no aumenta fasilidades iha eskola no sentru Saude sira. Nune'e pesoál manorin na'in sira no pesoál Saude sira senti seguru hodi hela metin iha Suku atu nune'e bele hala'o sira ninia kna'ar ho di'ak liu tan.

3. Husu ba orgaun estadu sira, atu Hamosu legislasaun ida, hodi hapara sistema poligamia, no haburas sistema monogamia, atu nune'e bele evita problema sira abandona oan sira iha publiku.

4. Husu ba governu atu estabelese fatin Crèche komunitariu Labarik (Tempat Penitipan Anak), husi agente estadu ne'ebé mak hala'o servisu publiku nian, atu la enkomoda nia prestasaun servisu nian.

5. Husu ba Governu atu halo sosializasaun no edukasaun sivika ba komunidade kona-ba lei kodigu sivil, espesifiku ba hahalok poligamiania, pelu menus iha fen ida antes divorsiu mak kaben fali feto seluk.

6. Husu ba Governu atu halo regulamentu espesifiku ida, hodi proibidu Funsionariu Estadu sira, atu komete ka pratika hahalok kazamentu poligamia nia.

7. Husu ba Governu atu fo espasu ba Timor oan, hodi desenvolve konseitu desenvolvimentu ekonomia Timorizasaun nian, atu la bele fo espasu liu ba dominasaun ekonomia estrangeiru.

8. Husu ba Governu atu Desenvolve Kurikulu Eduksaun ida ne'ebe Timorizasaun no relevante ho kondisaun Timor-Leste nian.

IV. Lian mak taka

Ami husu partidu sira ne'ebé sei hetan konfiansa husi povu iha eleisaun hodi okupa pozisaun ne'ebé deit atu iha orgaun estadu sira hodi implementa rekomendasaun sira husi komete Revizaun Universál Periódiku no konsidera mós rekomendasaun sira ne'ebé mensiona iha leten. Loke mós espasu ba sosiedade sívil sira hodi hola parte iha kualker desijaun polítika ne'ebé Governu no Parlamentu Nacional atu prodús iha futuru.

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