

**Government Decree No 2/2022 of January 10**

**Regulation on Electoral Observation and Monitoring Activities for the Election of the President of the Republic**

**Preamble**

The electoral observation and monitoring activity is of an importance whose nobility results from its implementation by all those who are dedicated to its impartiality and objectivity, thus contributing to the improvement of the electoral process. The safeguarding this noble mission requires, therefore, that its two components - that of observation and monitoring - are regulated, resulting from the changes made by Law No. 15/2021, of July 14, to the Electoral Law to the President of the Republic, by which the activity of monitoring has also become important alongside observation itself. Under the new regime, the object of this legal document it is also foreseen, as a measure to combat the spread of Covid-19, that it is mandatory for both observers and monitors to be vaccinated against the disease.

Thus, the Government decrees, under the provisions of articles 67 and 68 of Law No. 7/2006, of December 28, Electoral Law for the President of the Republic, amended by Laws No. 5/2007, of March 27, 8/2011, of June 22, 2/2012, of January 13, 7/2012, of March 1, 4/2017, of February 23, and 15/2021, of 14th of July, the following to be valid as a regulation:

**CHAPTER I  
General Provisions**

**Article 1  
Scope**

This Regulation regulates the implementation of electoral observation and monitoring activities, the acquisition of national and international election observer and monitor status, their rights and duties, as well as the performance of relevant functions.

**Article 2  
Definition**

1. An electoral observer is a natural person representing a national or international organization, for the purpose of monitoring observing the electoral process, who requests his or her registration with STAE and is accepted.
2. An electoral monitor is an entity with a competence to carry out monitoring of the electoral process in its statutes and with a legitimate interest in this, which informs STAE in advance for accreditation purposes.

**CHAPTER II  
Electoral Observers and Monitors**

**Article 3  
Powers of Electoral Observers and Monitors**

1. Electoral observation consists of the collection of systematic, complete and accurate information on the laws, processes, institutions and other factors relating to the holding of the elections, the impartial and professional analysis of such information, as well as the preparation of conclusions based on criteria of strict

accuracy and impartiality, as well as the formulation of recommendations intended for improving the integrity and effectiveness of the electoral process.

2. Election observers and monitors may, in particular, carry out the following tasks:
  - a) Observe and monitor the electoral acts for which they were accredited;
  - b) Follow the voting operations process, from the establishment of a polling center to its closure;
  - c) Follow the transportation of the ballot boxes and other elements of the polling center or polling station to the municipal tabulation center;
  - d) Follow the process of counting votes and tabulation of results.

#### **Article 4 Duties of Electoral Observers and Monitors**

National and international observers and monitors have the following duties:

- a) Respect the sovereignty of the Timorese State, the Constitution of the Democratic Republic of Timor-Leste, and the legislation in force in the country;
- b) Not interfere nor obstruct the development of the electoral process and abstain from giving instructions or orders to polling officials;
- c) Refrain from publicly issuing statements that call into question the normalcy of the electoral process;
- d) Provide the National Electoral Commission (CNE) and the Technical Secretariat for Electoral Administration (STAE) with a copy of the final election observation or monitoring report they produce;
- e) Observe strict impartiality and neutrality in the conduct of their duties, avoiding any partiality or preference in relation to national authorities or candidates;
- f) Not exhibit or use the symbols of the lists of candidates;
- g) Not accept nor attempt to obtain any gifts, favors or incentives from any candidate or his or her agents, or from any other organization or individual involved in the electoral process;
- h) Disclose any relationship susceptible to creating a conflict of interest with his or her functions or with the process of electoral observation or monitoring and the evaluation of the elections;
- i) Base all their reports, information and conclusions on documented, factual and verifiable evidence originating from credible sources or on information from suitable eyewitnesses;
- j) Always carry the identification document issued by STAE and identify themselves to any authority or electoral official who requests it

#### **Article 5 Rights of Observers and Monitors**

1. National and international observers and monitors enjoy the following rights:
  - a) The right to freedom of movement throughout all the national territory;
  - b) The right to ask for clarification from all structures intervening in the electoral process on matters linked to the electoral process and to obtain from such structures the corresponding clarifications in due time;
  - c) The right to freedom of communication with all the candidates and social segments in the country;
  - d) The right to follow up all the electoral acts;

- e) The right to access any official documentation relating to the electoral process;
  - f) The right to visit CNE and STAE facilities in order to verify the conformity of the means to be used in the electoral process;
  - g) The right to access to, and communicate with, media representatives;
  - h) The right to access all the laws, regulations and codes governing the electoral process;
  - i) The right to access all polling centers and district and national tabulation centers;
  - j) The right to communicate with, and have access to, CNE and STAE.
2. In order for observers and monitors to properly perform their duties, the electoral authorities must:
- a) Guarantee that observers and monitors have freedom to issue public statements and present the reports they deem appropriate without any kind of interference;
  - b) Guarantee that there is no interference in the selection and numbers of electoral observers and monitors;
  - c) Guarantee that there will be no interference in the activities of the observers;
  - d) Guarantee that there will be no pressures, threats, or reprisals on or to any national or foreign citizen working for an observer or national or international mission, or a monitoring entity, and on or to all those people providing assistance or information to observers, electoral observation missions or election monitors.

#### **Article 6**

#### **Request for registration as Observer or Monitor**

1. National or international organizations with the purpose of implementing electoral observation and monitoring missions, within or outside the national territory, may request, in writing to the Director General of STAE, during the period from the publication of the Presidential Decree that sets the date of the election for the President of the Republic until 10 days before the date of the event, the accreditation of their observers.
2. Organizations that do not have in their objectives the implementation of electoral missions, but have carried out in Timor-Leste electoral observation or monitoring activities duly accredited by STAE in past electoral processes, may also request the accreditation of electoral observers or monitors.
3. The request referred to in the preceding paragraphs shall be accompanied by an official document with the constitution and rules of the organization that proposes to carry out electoral observation or monitoring activities and by a complete list of observers or monitors included in the mission and in which is stated the following information relevant to each proposed observer or monitor:
  - a) The full name of each observer or monitor;
  - b) The voter number for a national observer or monitor;
  - c) A photocopy of the identity card, valid passport or voter card for a national observer or monitor;
  - d) A photocopy of the passport, for an international observer or monitor;
  - e) Two copies of a passport photograph of the observer or monitor;
  - f) Vaccination card or certificate of complete vaccination against COVID19, for a national observer or monitor;
  - g) International certificate of complete vaccination against COVID19 for an international observer or monitor.
4. After receiving the documents that support the application process for accreditation of observers and monitors, the Director General of STAE decides on the issuance of the respective credentials within five days.
5. The credentials are issued up to seven days after the request compiled by the organization that requires the accreditation of its observers or monitors is received by STAE.

6. Appeals against a decision to reject can be filed with CNE within twenty-four hours from the notification of the decision.
7. After receiving STAE's response, which shall be submitted within a maximum period of twenty-four hours, CNE shall decide the appeal within forty-eight hours, and shall communicate its decision to the observer or monitor, the organization that he/she represents and to the Migration Department.

#### **Article 7**

##### **Election observer and monitor credential**

1. The election observer and monitor credential contains the following information:
  - a) The full name of the observer;
  - b) Current photograph of the observer or monitor;
  - c) The number of the voter card, identity card or passport, if a national observer or monitor;
  - d) Passport number if an international observer or monitor;
  - e) Name of organization represented by the observer or monitor;
  - f) The date of issue of the observer or monitor credential;
  - g) Signature of STAE General Director.
  - h) Hologram with the emblem of STAE.
2. The observer and monitor credential template is approved by order of the Director General of STAE, after consulting the CNE.

#### **Article 8**

##### **Special duty of collaboration**

1. STAE, the Ministry of the Interior and the Ministry of Health collaborate to ensure the issue of entry and stay permits to international observers and monitors who wish to follow the electoral process in national territory.
2. The application for entry and residence permit for international observers in accordance with procedures is sent by STAE to the Minister of the Interior and the Ministry of Health so that the visa and other authorizations are granted to the international observer or monitor by the competent services.

### **CHAPTER III**

#### **Final and Transitional Provisions**

#### **Article 9**

##### **Revocation of observer's or monitor's accreditation**

1. STAE revokes the observer or monitor's accreditation when one of the following situations occurs:
  - a) Violation of the laws and regulations in force in the Democratic Republic of Timor-Leste;
  - b) Infringement of the duties as provided in this Regulation;
  - c) Pursuit of activities incompatible with the status of an observer or monitor;
  - d) In other situations expressly foreseen in the law or in the present decree.
2. STAE communicates the revocation decision to the observer or monitor, the organization that he/she represents, and the Migration Department.
3. After notice of the revocation decision, the observer or monitor shall return the credential issued within a maximum period of twenty-four hours.
4. In situations where the observer or monitor does not voluntarily return the credential, STAE notifies the revocation decision to the municipal directors of STAE and the National Police of Timor-Leste so that the necessary steps are taken to collect the credential.
5. The revocation decision may be appealed to the CNE, within twenty-four hours.
6. CNE decides the appeal within a maximum period of twenty-four hours, counting from the time STAE's response is presented.
7. CNE decisions are notified to the observer or monitor, to the organization that he/she represents, to STAE and to the Migration Department.

**Article 10**  
**Revocations**

Government decree No 9/2017 of 27 February, on Regulation of the Activities of Electoral Observers, is revoked.

**Article 11**  
**Entry into force**

This decree enters into force on the day following its publication.

Approved by the Council of Ministers on 5 January 2022

To be published

Prime Minister

Taur Matan Ruak

Minister of State Administration

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UNOFFICIAL TRANSLATION