



PRELIMINARY STATEMENT
21 March 2022

Timor-Leste holds well-organised and competitive polls

This preliminary statement of the EU Election Observation Mission (EOM) is delivered before the completion of the entire electoral process. Critical stages remain, including final results and the adjudication of possible petitions, which the EU EOM remains in the country to observe. The EU EOM is at present solely in a position to comment on observation undertaken to date, and will later publish a final report, including full analysis and recommendations for electoral reform. The EU EOM may also make additional statements on election-related matters as and when it considers it appropriate to do so.

Summary

- On 19 March, the Timorese went to the polls to elect their president for a five-year term. These elections follow a political crisis that raised questions regarding the powers of the president, the constitutionality of the government, and parliamentary rules of procedure. A peaceful campaign period grounded in respect of fundamental freedoms was followed by a well-organised election day. The electoral contest remained dominated by veterans of the independence struggle, while the next generation of potential political leaders was less visible.
- A record number of sixteen candidates participated, including four women. Popular front runners included the incumbent President, Francisco Guterres “Lú-Olo”, former Defence Forces Chief-of-Staff Tito da Costa Cristovão “Lere Anan Timur,” and former President José Ramos-Horta. Although candidates were nominally independent, a handful were backed by political parties, providing them with financial and structural advantage over most other candidates.
- The campaign revealed genuine competition among key contestants, in which the freedoms of expression, assembly and association were well respected. However, greatly differing financial resources – in the context of campaign finance rules that do not foresee limits for donations or expenditure – resulted in an uneven playing field. The National Election Commission (CNE) requested candidates not to involve martial and ritual arts groups in campaign activities, and EU observers noted their presence in less than 20 per cent of observed campaign events. The campaign was peaceful overall, with a handful of minor skirmishes between partisan supporters.
- The legal electoral framework offered sufficient guarantees for the conduct of democratic elections. The amendment of three laws in 2021 improved inclusiveness, oversight, and legal certainty. Despite these improvements, legal shortcomings identified by previous EU missions, including the desirability of greater CNE oversight to supervise campaign finance, remained largely unaddressed. In keeping with new legal provisions, the government consulted the CNE when finalising ten new regulations two months ahead of election day.
- The CNE and the Technical Secretariat for Electoral Administration (STAE) were committed to transparent elections, and stakeholders were largely confident of their impartiality and professionalism. The Electoral Management Bodies showed expertise in implementing the elections and cooperated with electoral stakeholders throughout the process.

- Logistical election preparations were adequate and generally on time. EU observers visited 174 polling stations in 12 municipalities and the Special Administrative Region of Oecusse-Ambeno. Overall, EU observers assessed voting and counting processes as good or very good in almost all observed polling stations and described the atmosphere as peaceful. The presence of candidate agents ensured the transparency of the process. National observers were present at many observed polling stations.
- A pluralist media landscape provided access to a wide range of political opinions. Radio remained the most important source of information in rural areas. EU EOM media monitoring revealed that *Rádio-Televisão Timor-Leste* (RTTL), provided free airtime and editorial coverage to all 16 candidates in a neutral tone. However, its campaign news coverage was unbalanced.
- Campaigning on social media was done almost exclusively on Facebook. Half of the candidates, including the front-runners, had a significant social media campaign. Campaigns were respectful and candidates shared information on their off-line campaign activities. However, online campaigning generated little user engagement. Despite there being no limits on campaign spending, few candidates invested in paid online advertising on social media.
- Timor-Leste has one of the highest proportions of women in parliament globally and the highest in Asia and the Pacific. A record number of four women candidates competed in the polls. However, EU observers noted that women participated in lower numbers than men at campaign events, and fewer speakers were women. Campaign messages were rarely aimed at issues affecting women. EU observers further noted that out of over 120 observed campaign events, only three candidates spoke out on the issue of domestic violence against women.
- Barriers to the political participation of persons with disabilities remained largely unaddressed. No specific measures to facilitate the vote of persons with disabilities were introduced for these elections with the adoption of a braille ballot paper not passed in the National Parliament. EU observers noted that difficult physical access to polling stations remains a challenge to disabled voters.
- Established national observer groups deployed countrywide, adding to the transparency of the electoral process. *Observatorio da Igreja para os Assuntos Sociais* (OIPAS) deployed some 1,300 observers and also conducted a parallel vote count. In addition to the European Union, other international observer groups included the Community of Portuguese Speaking Countries (CPLP) and the Asian Network for Free Elections (ANFREL).

Preliminary findings

1. Background

On 19 March, Timorese went to the polls to elect a president for a five-year mandate. These were the fifth presidential elections observed by the European Union. Sixteen independent candidates competed in the elections, with some receiving support from political parties. While the opposed *Frente Revolucionária de Timor-Leste Independente* (FRETILIN) and *Congresso Nacional de Reconstrução de Timor* (CNRT) dominated the political space and governed the country intermittently over the past two decades, these elections were also preceded by a political crisis that raised questions regarding the powers of the president, the constitutionality of the government, and parliamentary rules of procedure.

The electoral contest remained dominated by veterans of the independence struggle, while the next generation of potential political leaders was less visible. Incumbent President, Francisco Guterres “Lú-Olo”, was supported by his party FRETILIN. However, the FRETILIN vote was expected to split, as Tito da Costa Cristovão “Lere Anan Timur,” who resigned as Chief-of-Staff from the Defence Forces to compete in these elections, appealed to a similar vote base. Seasoned politician and former President José Ramos-Horta was supported by Xanana Gusmão and his CNRT. Most candidates did not have the support of a political party apparatus and were thus financially and structurally disadvantaged.

2. Campaign Environment

Peaceful campaign in competitive elections, but differing resources resulted in an uneven playing field

EU observers followed the two-week campaign period, with key themes revolving around peace and unity, a return to constitutional order, improved education and employment opportunities for youth, development, as well as a generational transition while honouring the legacy of resistance fighters and veterans.

All candidates were signatories to a peace pact facilitated by the National Election Commission (CNE) and had the possibility to campaign without restrictions. The campaign revealed genuine competition among contestants, and freedoms of expression, assembly and association were well respected. However, greatly differing financial resources – in the context of campaign finance rules that do not foresee limits for donations or expenditure – resulted in an uneven playing field. Contestants backed by political parties had a considerable advantage over other candidates.

A recent regulation on the management of state vehicles may have had a positive impact on the campaign environment, as the misuse of state resources was only observed in 8 out of 123 campaign events. This marked a noticeable improvement in comparison to past electoral processes where the misuse of state resources was a commonly reported element.

Lú-Olo, Ramos-Horta, Lere, Assanami and Armanda Berta organised larger rallies, usually one per municipality. EU observers reported on 33 events with over 1,000 attendants (13 Lú-Olo, 12 Ramos-Horta, 3 Lere, 3 Armanda Berta, 2 Assanami). The campaign closure events by Lú-Olo and Ramos-Horta in Dili each included over 10,000 supporters. Ramos-Horta and Armanda Berta were viewed as running “proxy campaigns” whereby CNRT leader Xanana Gusmão and Armanda Berta’s husband José “Naimori” Bucar often stood in the spotlight to deliver key messages.

EU observers reported that campaign organisers provided transport to participants in over half of observed events and offered in-kind incentives in around 25 per cent of observed events. At smaller events, journalists, CNE supervisors, observers, and police at times outnumbered campaign followers. Not all contestants visited the more remote and difficult-to-reach municipalities, resulting in fewer campaign events and a shorter campaign period in these locations, for example in Ainaro where the campaign effectively ended on 11 March. The COVID-19 pandemic did not disrupt traditional campaigning, where little to no biosecurity measures were observed.

As a preventive measure against campaign violence, the CNE requested candidates not to involve martial and ritual arts groups in campaign activities. A specific law prohibits the wider association between these groups and political parties, but as it does not refer to electoral campaigns in particular, independent candidates are not mentioned. EU observers noted the presence of these groups in less than 20 per cent of all observed campaign events, especially in the activities of Lú-Olo (8), Armanda Berta (6), Lere (5) and Ramos-Horta (4). The unregistered parties *Os Verdes* and *Patifor* also showed their colours in the campaign, mostly in support of Lú-Olo and Ramos-Horta, respectively. The campaign took place in a largely peaceful atmosphere, which was marred by one

campaign-related death and some minor clashes between partisan supporters. EU observers noted the provision of police security in 80 per cent of observed campaign events.

3. Legal Framework

Recent amendments to election laws enhanced inclusiveness, oversight, and legal certainty

The legal framework provides sufficient guarantees for the conduct of democratic elections in line with international principles subscribed to by Timor-Leste. Recent amendments to the legal framework enhanced inclusiveness, oversight, and legal certainty. Despite these improvements, legal shortcomings identified by previous EU missions, including greater CNE oversight to supervise campaign finance and enforce media rules over equal treatment and impartiality, remained largely unaddressed.

Amendments to the Law on the Election of the President introduced an absentee voting mechanism for voters in Dili who normally reside in another municipality. CNE electoral oversight was also improved with provision for supervisory officers and re-introduction of verification of invalid ballots at national tabulation. The Law on Election Administration Bodies now requires CNE consultation on government regulation of the election laws and STAE's codes of conduct for candidates, observers, party agents, and media. The amendment falls short of the 2017 EU recommendation to restore CNE's approval authority over regulations. The Voter Registration Law was amended to specify that only documents issued by civil registry offices were accepted for registration.

In keeping with new legal provision, the government consulted the CNE in passing ten regulations two months ahead of election day. While the regulatory framework might have been introduced earlier, EU observers reported election officials were familiar with recent changes.

4. Election Administration

Stakeholder confidence in impartial and independent election management

The CNE and the STAE demonstrated a strong commitment to electoral integrity, and delivered well-administered, professional, and inclusive elections. Both institutions showed independence in their work, and enjoyed stakeholder confidence.

The election management bodies held inter-institutional dialogue and cooperation over less defined areas of the electoral framework, including informal conflict mitigation. In this regard, they engaged in regular consultation with political parties, candidates, local authorities, youth groups, civil society, police, and the media on electoral preparations.

While important information, such as the electoral calendar, voter register, and polling locations were published on time, civic and voter education campaigns were late, low key, and varied in quality between municipalities. There was, however, an uptick in voter information spots in the final days ahead of the polls. In addition to CNE and STAE press conferences and TV interviews, the STAE posted regular updates to Facebook.

5. Election Preparations

Timely preparations and logistical provisions were made for the polls

Timely preparations were made to establish 1,500 polling stations and train 17,000 poll workers. Greater voter inclusion was achieved through the introduction of absentee voting, which was implemented at three parallel voting centres in Dili. Voting was also extended to six hospitals, three prisons, and to COVID-19 isolation centres. Ballot papers were produced at the national printing house and along with other essential election materials were delivered ahead of the polls to municipal electoral authorities. Logistical and security provisions were made for delivery and

retrieval of sensitive election materials, including results protocols, from the polling stations with difficult access. The STAE accredited over 20,000 candidate agents, which contributed to the transparency of the election process.

6. Voter Registration

Stakeholders expressed confidence in the quality of the voter register

There were 861,367 registered voters for these presidential polls. Timorese who had attained the age of majority (17) and were on the voter register were eligible to vote. While stakeholders did not express concern about the reliability of the voter register, issues identified by previous EU missions remained, such as the inclusion of a number of deceased and emigrated voters. Timorese living abroad were eligible to vote in presidential elections. This included voters in the UK (2,229), South Korea (1,277), Northern Ireland (1,264), Portugal (856), and Australia (1,487). The CNE cancelled voting in Australia, as the constitutionally-required update to the voter register was not undertaken (due to COVID-19 restrictions). This CNE decision was subsequently voided by the Court of Appeal as it violated the constitutional right to vote.

7. Candidate Registration

Registration of 16 candidates was conducted efficiently by the Court of Appeal

There are no unreasonable eligibility criteria for the registration of presidential candidates. A record number of sixteen presidential candidates, including four women, were registered by the Court of Appeal on 16 March following the 15 January – 4 February registration period. Screening of nominations was conducted by the Court of Appeal within a short timeframe of 10 days in collaboration with STAE, and candidates were given the opportunity to correct their submissions.

Candidates informed the EU EOM of a complication with signature requirements. Throughout the registration period there was allegedly no clarity on whether supporting signatures were required from the newly created municipality of Atauro. This was not clarified until a 14 February decision of the Court of Appeal. The practical result was that Atauro was considered part of Dili municipality for these elections. Notwithstanding, this did not prevent candidates from contesting.

8. Traditional Media

Public and private media provided free airtime to all candidates, but did not offer balanced news coverage

Legal provisions for freedom of expression and freedom of the press were broadly respected. The media self-regulatory body (Press Council) was observed to operate free from political influence, while limited resources prevented it from fully fulfilling its media monitoring role. Most public and private media outlets complied with the CNE instruction to provide free airtime (*Direitu de Antena*) to candidates.

State broadcaster, *Rádio-Televisão Timor-Leste* (RTTL), provided free airtime and editorial coverage to all 16 candidates in a neutral tone. However, its campaign news coverage was imbalanced as Lú-Olo and Lere were the most featured candidates. Two free daily primetime programmes, *Our President* and *President Speaks*, provided space (3 and 10 minutes, respectively) with the participation of all candidates. Moreover, RTTL allocated a media team to each candidate to create content for *Our President*.

Private *Grupo Media Nacional* (GMN) TV's free programme, *Grande Entrevista*, featured 13 candidates. The station's news coverage overwhelmingly featured Ramos-Horta, and to a much lesser extent Lú-Olo and Lere. Although there were no limits on paid advertisements, Ramos-Horta was the only candidate to purchase advertising on GMN TV.

FRETILIN's *Rádio e Televisão Maubere* (RTM) provided live radio coverage almost exclusively to Lú-Olo's campaign, in violation of the requirement to grant equal opportunity and treatment to all candidates. Much less coverage was given to Ramos-Horta and Lere, and no other candidates were featured.

While radio is the most important source of information in rural areas, and 17 community radio stations operate across the country, economic problems left most of these outlets struggling. Most community radio stations offered free space to candidates, however this was not taken up in half of the outlets visited by EU observers.

Campaign silence was respected in the monitored traditional media. In contrast to the 2017 presidential polls, and due to an improvement in the regulatory framework, journalists were able to access polling stations and provide election day coverage.

9. Digital Communication and Social Media

Calm and respectful social media campaigns received modest engagement from users

The legislation pertaining to elections does not contain any specific provisions for social media nor limits to paid online advertising, and the CNE does not monitor social media. EU monitoring revealed that social media was not used as a space for debate and many posts had modest engagement from users. Given the fact that follower numbers did not increase significantly during the campaign period, it is unlikely that the messages reached far outside the social media bubble of each campaign. A positive aspect of the campaign in social media was the almost total absence of inflammatory language and information manipulation activities.

Campaigning on social media was done almost exclusively on Facebook. Nearly all candidates have a Facebook presence, but only half of them had a significant social media campaign. The EU EOM monitored and analysed 40 Facebook public pages and nine groups in the period from 2 – 16 March. Ramos-Horta's verified Facebook page had by far the most followers. His support page, *VOTA Dr. José Ramos-Horta*, was the main campaign vehicle in social media. While FRETILIN supporters were observed at the campaign events of other candidates, the party campaigned in social media exclusively for Lú-Olo.

Content published on Facebook was often in the form of live videos and pictures of campaign events, and shares of media coverage of the candidate. Electoral programmes were sometimes presented in lengthy posts, and, with notable exceptions, messages generally did not refer to opponents or their electoral platforms. Lú-Olo and FRETILIN's pages criticised Ramos-Horta's reference to a constitutional crisis; these criticisms were subject to rebuttals from *VOTA Dr. José Ramos-Horta* and CNRT pages.

The campaign silence period was ignored on social media by nearly all candidates. On 17 and 18 March, 12 candidates posted campaign materials on their personal page or their support pages and active advertisements were observed for three candidates. On election day, the candidate pages of Lú-Olo, Lere, and Ramos-Horta and the CNRT page ran advertisements.

10. Citizens' Groups and Observation

Domestic observation and monitoring contributed to a transparent electoral process

The STAE accredited both national and international observers for these elections. Some 19 national organisations participated, with *Observatório da Igreja para os Assuntos Sociais* (OIPAS) deploying some 1,300 observers countrywide, who also contributed to a parallel vote tabulation. The disability organisation, RHTO, fielded 150 observers to monitor access to polling stations. Other observer groups included *Belun*, *Fundasaun Mahein*, *La'o Hamutuk*, and the University of

Dili. There was also monitoring conducted by the Ombudsperson for Human Rights and Justice, Anti-Corruption Commission, and Inspectorate General.

The Community of Portuguese Speaking Countries (CPLP) sent a 13-member observation mission, and the Asian Network for Free Elections (ANFREL) sent a 5-member mission. Several embassies in Dili participated in a diplomatic watch exercise.

11. Political Participation of Women

Issues affecting women were almost absent from campaign messages

Timor-Leste has one of the highest proportion of women in parliament globally and the highest in Asia and the Pacific with 38 per cent (26 out of 65 seats are occupied by women). The Constitution in article 17 guarantees equal rights to men and women and legal quotas have fast-tracked women's representation in the National Parliament. However, the effectiveness of the quota system in giving women a strong voice in Timor-Leste is much debated. The trauma of post-conflict violence coupled with Timor-Leste's patriarchal social and gender norms remain deep rooted in society and seem to legitimise a secondary role for women. In addition, structural domestic violence against women and girls prevails, compounding a deterrent for a more inclusive and substantial participation of women in public life.

EU observers noted that women participated in lower numbers than men at campaign events and fewer speakers were women. Campaign messages were rarely aimed at issues affecting women. EU observers further noted that out of the over 120 observed campaign events, only three candidates addressed the issue of domestic violence against women, with one attributing the social problem to unemployment and low wages.

12. Political Participation of Persons with Disabilities

Physical access to polling stations constitutes a barrier for persons with disabilities

No specific measures to facilitate the vote of persons with disabilities were introduced by law or implemented by STAE. A proposal to adopt a braille ballot was not passed in the National Parliament. Difficult physical access to polling stations constituted a barrier to political participation. Timor-Leste is not signatory to the Convention on the Rights of Persons with Disabilities.

The National Disabled People's Organisation (RHTO-DPO) indicated some 38,118 persons suffer some form of disability. For improved collection of data on persons with disabilities, the RHTO-DPO recommended that the next census should incorporate the internationally agreed Washington Group Short Set of six questions related to disability.

13. Polling, Counting and Tabulation of Results

Voting procedures were well-implemented, while counting and tabulation of results were observed to be professional

Election Day

The EU EOM's 20 teams of observers visited 174 polling stations throughout the day in 12 municipalities and the Special Administrative Region of Oecusse-Ambeno.

Opening

Opening was observed in 20 polling stations, where there were no missing poll workers and voting initiated on time. Overall, EU observers assessed opening procedures as good or very good in all observed polling stations and described the process as calm and straightforward.

Polling

A well-organised election day progressed calmly throughout the day, with minor incidents including at one of the parallel voting centres. The EU EOM assessed the overall conduct of polling operations as good or very good in all observed polling stations and described the process as calm and orderly. Polling staff were observed to perform their duties with impartiality. Polling procedures were adhered to, with only minor exceptions. In more populated *sucos* long voter lists caused delays as poll workers took time to locate electors. The layout in all observed polling stations ensured the secrecy of the vote, while 101 of observed polling stations were accessible for persons with disabilities. The presence of candidate agents in all of the 138 observed polling stations contributed to the transparency of the process.

Closing and Counting

EU EOM observers assessed the counting process as good or very good in 14 of the 16 observed polling stations. Procedures mostly adhered to in observed polling stations, with some conducting the reconciliation of ballots only after the counting took place. The presence of candidate agents ensured the transparency of the process. Most candidate agents received a copy of the polling station results for later verification of these against official results at the national level. National observers were present at 9 of the 16 observed polling stations.

Tabulation of Official Provisional Results

EU observers followed tabulation of results at all tabulation centres. There were observed to be generally well managed. STAE progressive municipal results were broadcast on RTTL throughout the tabulation process. Candidate agents and observers were granted access to the municipal tabulation centres.

14. Complaints and Electoral Offences

Few election complaints registered, candidates trust in the impartiality of the Court of Appeal

The CNE has the authority to decide on electoral complaints filed by candidates during the different stages of the electoral process including from the submission of candidacies to the final tabulation of results. The Court of Appeal is the ultimate arbiter in electoral matters. w. Candidates and political parties considered the Court of Appeal to be impartial when adjudicating on electoral disputes.

Candidates turned to the CoA to decide on out-of-country voting in Australia and the design of the ballot paper. Lú-Olo and the CNRT appealed a CNE deliberation to cancel voting in Australia. In its argumentation the CoA privileged the constitutional right to vote over the strict interpretation of the Constitution that requires the voter register to be updated ahead of each election. Lú-Olo's team also requested the CoA's opinion on the legal conformity of the ballot paper regarding the use of photos and symbols. The request was dismissed with the CoA stating in its argumentation that it was not mandated to interpret the law during the electoral process.

A low number of complaints were filed with the CNE at the municipal level. These were submitted for review at the national level. The majority of complaints were in relation to campaign incidents. EU observers reported that CNE Commissioners mediated to address minor conflicts between contestants during the campaign. The few electoral offences under police investigation are mainly in relation to confrontations or provocations between candidate supporters at political rallies.

EU EOM observers reported that complaints were submitted during counting at 2 of the 16 observed polling centres, both were in relation to the validity of the ballot.

The European Union was invited by the Government of Timor-Leste to observe the 2022 presidential elections. The EU EOM is led by Domènec Ruiz Devesa, a Member of the European Parliament from Spain. The mission comprises a core team of eight analysts who have been in Timor-Leste since 14 February, and 26 Long Term Observers (LTOs) who have been present since 22 February. In addition, the mission was joined by Locally-Recruited Short Term Observers from the EU member states diplomatic community resident in Timor-Leste and neighbouring countries. Observers were drawn from 19 EU member States and Canada.

The EU EOM assesses the whole electoral process against international obligations and commitments for democratic elections as well as the laws of Timor-Leste. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation, endorsed at the United Nations in October 2005.

The English language version of the EU EOM preliminary statement is the only official version

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