

No. 07/STAE/X/2011

**CODE OF CONDUCT FOR NATIONAL AND INTERNATIONAL
OBSERVERS FOR THE PRESIDENTIAL AND PARLIAMENTARY
ELECTIONS**

Pursuant to subparagraph c) of article 8 of Law No. 5/2006 of 28 December as amended by Law No. 6/2011 of 22 June, to articles 77 and 78 of Law No. 6/2006 of 28 December as amended by Law No. 7/2011 of 22 June, and to articles 67 and 68 of Law No. 7/2006 of 28 December as amended by Law No. 2011 22 June, the NATIONAL ELECTORAL COMMISSION approves the following to have the force of a Code of Conduct:

**CHAPTER I
General Provisions**

**Article 1
Scope**

The present Code of Conduct shall govern the acquisition of the status, the exercise of the functions, as well as the rights and the duties of national and international electoral observers.

**Article 2
Definition**

Electoral observer shall mean an individual or somebody representing a national or international organization who requests his or her registration with STAE and is accepted for the purpose following-up the electoral process underway.

**CHAPTER II
Electoral Observers**

**Article 3
Powers of Electoral Observers**

1. Electoral observation shall consist in 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 drawing of conclusions based on criteria of strict accuracy and impartiality, including the formulation of recommendations intended for improving the integrity and effectiveness of the electoral process.

2. The functions of an observer shall namely be the following:
 - a) Observe all electoral acts;
 - b) Follow-up, from a specific vehicle, the transportation of the ballot boxes and other items from the polling centre or polling station;
 - c) Prepare the report of the observation and forward a copy thereof to the electoral bodies.

Article 4 Duties of Electoral Observers

National and international observers shall respect 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 officers;
- 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 report of information they may produce;
- e) Observe strict impartiality and neutrality in the conduct of their duties, avoiding any partiality or preference in relation to national authorities or candidacies;
- f) Not exhibit or use the symbols of the lists of candidacies;
- g) Not accept nor attempt to obtain any gifts, favours or incentives from any candidate or his or her agents, or from any other organization or individual involved in the electoral process;
- h) Avoid any relation susceptible of creating a conflict of interest with his or her functions or with the process of electoral observation and evaluation;

- i) Refuse any financing from any Timorese body or person in charge of any public or private entity;
- j) Base all their reports, information and conclusions on documented, factual and verifiable evidence originating from credible sources or on information from idoneous eyewitnesses;
- k) Fill in the form provided by STAE on the conclusions of the electoral observation mission so accomplished.
- l) Carry the identification document issued by STAE at all times and display it whenever so requested by the electoral officers or other national competent authorities.

Article 5 Rights of Observers

- 1. National and international observers shall 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 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 communication 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 centres and district and national tabulation stations;

- j) The right to communicate with, and have access to, CNE and STAE.
2. In order for the observers to adequately accomplish their functions, the electoral authorities shall:
- a) Guarantee that observers 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 quantity of the electoral observers;
 - 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 over any national or foreign citizen working for an observer or observer mission, whether national or international, and over all those people providing assistance or information to observers and electoral observer missions.

Article 6 Registration of Observers

1. STAE shall grant observer credential to any person who requests such status by filling in a specific form available at STAE and presenting valid identification documents.
2. National observers shall be required to present their voting card or Identity Card as well as the form referred to in the preceding paragraph duly filled in.
3. International observers shall be required to present their passport as well as the form referred to in paragraph 1 above duly filled in.

CHAPTER III Final and Transitional Provisions

Article 7 Cancelling of Registration

1. CNE may request STAE to cancel any credential granted to any electoral national or international observer who does not comply with the provisions contained in the present Code.

2. Such request from CNE shall be duly substantiated and shall specify the violations committed as well as the reasons for which it is considered that the credential granted to such observer should be cancelled.

3. STAE shall proceed to the immediate cancellation of such credential.

Article 8 Revocations

Any provision relating to electoral observers for the presidential and parliamentary elections that is contrary to the present Code is hereby revoked.

Article 9 Entry into force

The present Code shall enter into force on the day after its publication in the *Official Gazette*.

Code of Conduct for national and international observers proposed by STAE.

Dili, 7 October 2011.

Tomás do Rosário Cabral
STAE Director-General

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Approved in Dili on 28 November 2011
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