

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

MINISTRY OF STATE ADMINISTRATION

**TECHNICAL SECRETARIAT FOR ELECTORAL
ADMINISTRATION
(STAE)**

**CODE OF CONDUCT FOR NATIONAL OR INTERNATIONAL
ELECTORAL OBSERVERS**

Pursuant to sub-paragraph c), Article 8, of Law No. 5/2006 of 28 December, combined with paragraph 2, Article 67, of Law No. 7/2006 of 28 December, THE NATIONAL ELECTORAL COMMISSION approves the following to have the force of a code:

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.

National and international electoral observers

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 as such.

Terms of reference of national and international observers

1. Electoral observation shall consist of collection of systematic, complete and accurate information on the laws, processes, institutions and other factors related with the holding of elections, the impartial and professional analysis of such information, as well as the extraction of conclusions based on criteria of absolute strictness in relation to its accuracy and impartiality, including the formulation of recommendations intended for improving the integrity and efficacy of the electoral process.
2. The functions of an observer shall namely be the following:
 - a) Follow-up the unfolding of the voting operations from the installation of the polling station up until its closure;

- b) Follow-up the transportation of the ballot boxes and other items from the polling station to the district counting station;
- c) Follow-up the process of counting of votes and tabulation of the results;
- d) Prepare a report of the observation whenever so requested.

Duties of the national and international 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;
- b) Notify the National Electoral Commission of any anomaly, complaint, or claim that they detect or receive;
- c) Not interfere nor obstruct the development of the electoral process and abstain from giving instructions or orders to polling officers;
- d) The head of the observer mission or his or her spokesperson alone shall be allowed to publicly issue statements on the electoral process;
- e) Provide the National Electoral Commission and STAE with a copy of the report of information they may produce;
- f) Observe strict impartiality and neutrality in the performance of their duties, avoid any partiality or preference in relation to national authorities, parties or candidates;
- g) Not exhibit or use symbols, colours, or party's or candidatures' flags.
- h) Not accept nor attempt to obtain any gifts, favours or incentives from any candidate, their agents, political party or any other organization or individual involved in the electoral process;
- i) Reveal any relation susceptible of creating conflict of interests with their functions or with the process of electoral observation and evaluation;
- j) Base all their reports, information and conclusions on the results of their observations and on documented and factual evidence verifiable from several credible sources;
- k) Carry the identification issued by STAE at all times and identify themselves before any authority or electoral officer whenever so requested.

Rights of the national and international 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, political parties, party coalitions, and other political and social forces in the country;
 - d) The right to follow up on all the campaigning operations, voting, tabulation of results, and on the post-electoral period until the validation of the final electoral results;
 - e) Access to official documentation relating to the electoral process;
 - f) Access to denunciations and complaints presented against any fact related to the electoral process;
 - g) Access to, and communication with, media representatives;
 - h) Access to all the laws and regulations governing the electoral process;
 - i) Access to all polling centres and tabulation stations;
 - j) Communicate with and have access to CNE, STAE, or other appropriate electoral authorities;
2. In order for the observers to adequately accomplish their functions, the electoral authorities shall:
 - a) Guarantee that they will not interfere in the selection and quantity of electoral observers;
 - b) Guarantee that they will not interfere in the activities of the observers;
 - c) 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.

Registration of national and international observers

1. STAE shall grant observer credential to any person who requests such status by filling out a specific form available at STAE and presenting valid identification documents.
2. National citizens shall be required to present their voting card, one photograph, and the signature of the code of conduct for observers. After participating in the training and signing the code of conduct, the observer shall be granted accreditation.
3. International missions shall be required to provide a list containing the names of their observers, photocopies of their respective passports, and their digital photographs.

Removal of credential

Timorese electoral authorities reserve the right to remove accreditation from any observer, whether national or international, who does not abide by the code of conduct or acts against the legislation of Timor-Leste.

Entry into force

The present code of conduct shall enter into force on the date of its publication.

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Code proposed by STAE

Tomás do Rosário Cabral
[signed]
Director of STAE

Approved in Dili on March/2007

By the National Electoral Commission

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