Timor-Leste 2016 Suco Council Elections
DISABILITY INCLUSION MONITORING REPORT
Ra'ees Hadomi Timor Oan (RHTO)
Timor-Leste 2016 Suco Council Elections

Disability Inclusion Monitoring Report

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About Ra’es Hadomi Timor Oan (RHTO)
RHTO is the national Disabled Person’s Organization (DPO) in Timor-Leste, with a constituency of over 600 members, comprising people of many different types of disabilities from across all 13 municipalities and regions of Timor-Leste. RHTO’s vision is an inclusive society in which people with disabilities enjoy their full human rights, are empowered to achieve their life aspirations and are participating fully and equally at all levels of Timor-Leste society. RHTO works with government, partners in the disability sector, public and private organizations, civil society, and the broader development sector in order to support and improve the inclusion of and access to human rights for people with disabilities.

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USAID works in partnership with the government of Timor-Leste to support broad-based and effective development. Since 2001, USAID has provided over $318 million in development assistance to Timor-Leste. USAID supports Timor-Leste in its efforts to build a more prosperous, healthy, and democratic country through programs that foster inclusive and sustainable economic growth, especially in the agriculture sector; improve the health of the Timorese people, particularly women and children; and strengthen the foundations of good governance—all areas which are highlighted in Timor-Leste’s Strategic Development Plan 2013-2030.
Executive Summary

In order to monitor the voting experiences of people with disabilities during the 2016 suco council elections, the national disabled person’s organization in Timor-Leste, Ra’es Hadomi Timor Oan (RHTO), received support from USAID’s Ba Distrito program to undertake extensive election monitoring of polling stations at 41 polling stations across five municipalities and regions of the country.

RHTO’s election monitoring found that, although Timor-Leste is able to successfully implement safe elections, the elections are yet to be truly inclusive for people with disabilities. Physical accessibility barriers – obstructions such as stairs that prevent people with disabilities being able to vote independently – were present in 95 per cent of the polling stations RHTO monitored.

Despite this, election monitoring also indicated that the 2016 suco council elections were still more accessible and incident free than the national elections of 2012, perhaps due to the fact that they were held in aldeias – smaller, closer-knit communities. Moreover, this Report found that the national electoral management bodies, the Technical Secretariat for Electoral Administration (STAE), and the National Election Commission (CNE), have displayed a stronger commitment to working with disability advocates to address issues of accessibility, and work towards implementing inclusive elections, including through the adoption of sign language in public service announcements for the first time.

In total, RHTO-trained monitors observed the suco election processes at 41 aldeia polling stations across 28 sucos in five municipalities and regions (Baucau, Covalima, Ermera, Liquiça and Oecusse), for a total of 394 hours on the day of suco council elections, 29 October 2016.

Each election monitor recorded information regarding the level of participation by people with disabilities, level of accessibility and physical barriers at polling stations, assistance provided at polling stations, and complaints at polling stations.

The key findings of RHTO’s election monitoring are:

- A total of 327 people with disabilities were observed to vote, an average of almost eight people per aldeia monitored.
- More men (61 per cent) than women (39 per cent) with disabilities voted, suggesting women with disabilities face additional, specific barriers to participation.
- At 72 per cent of the polling stations monitored, the layout and lettering of ballot papers was considered difficult to read (e.g. lettering too small).
- People with disabilities were generally given priority in queues, and received cooperative assistance when voting.
- There were no serious incidents or complaints observed.
Comparison of Physical Accessibility Barriers at Polling Stations Between Elections

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Average number of stairs at polling stations</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Percentage of polling stations with ‘high’ gradient stairs</td>
<td>45%</td>
<td>16%</td>
</tr>
<tr>
<td>Most number of stairs observed at a single polling station</td>
<td>20</td>
<td>4</td>
</tr>
<tr>
<td>Percentage of polling stations with ramps</td>
<td>10%</td>
<td>22%</td>
</tr>
<tr>
<td>Percentage of polling stations with accessible entrances (e.g. wide doors for wheelchairs)</td>
<td>57%</td>
<td>71%</td>
</tr>
</tbody>
</table>

Although there has been progress since 2012, the next step is to aim for elections that can be called truly inclusive. This Report makes a number of recommendations which will enable the Government to realize its obligation of enabling full democratic involvement of all citizens, including citizens with disabilities, starting with the 2017 National Elections. The key recommendations of the Report are:

1. **For the upcoming 2017 Presidential and Parliamentary Elections:**

   The national electoral management bodies, CNE and STAE, working with key disability organizations, should take actions to deliver greater inclusion for people with disabilities for the upcoming national elections, including:

   o Undertake disability training programs to:
     - Raise the understanding of CNE and STAE staff about disability rights (Constitutional and under relevant electoral laws and regulations), about reducing physical barriers at polling stations, and the importance of inclusive and accessible elections (as agreed by these parties prior to the suco elections).
     - Ensure all polling staff employed by STAE are able to practically ensure the rights and dignity of people with disabilities when voting, including securing their priority in queues and their right to choose a person to accompany them when voting if required.

   o Amend regulations and laws for the Presidential and Parliamentary elections to:
     - Ensure the standard list of equipment available and used at each polling station includes accessibility devices like magnifying glasses and Braille ballot guides.
     - Ensure that the venues chosen for polling stations are audited for physical barriers, and meet standards of accessibility.

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1 (RHTO 2012)
- Ensure there are sufficient numbers of polling station staff present at each voting location, one of whom is responsible for providing necessary support to voters with disabilities, the elderly, and pregnant women.

- Create, where possible, a separate queuing system specifically for people with disabilities, the elderly and pregnant women.

  o Undertake election outreach and communications to:

    - Encourage participation by people with disabilities, and specifically women with disabilities.
    - Continue to expand the use of disability inclusive communications, such as sign language, by the national electoral management bodies.
    - Develop an environmental accessibility strategy to increase the accessibility of polling stations, including auditing potential polling station locations prior to elections, and implementing strategies to remove physical barriers.
    - Develop and publicize complaints procedures to increase the level of trust in complaint-making procedures for serious complaints, and raise public awareness about how to make complaints.

2. **Before the next Suco Council Elections (scheduled for 2023):**

   The Government should amend the Suco Law No. 9/2016 to include a representative on each suco council for ‘disability and inclusion’ (similar to the youth representatives), with the following functions:

   o Represent the interests of people with disabilities, the elderly and other vulnerable people.

   o Act as a ‘focal point’ to receive information, training and directives from the Government, national bodies, NGOs and civil society groups regarding inclusion and disability, and to share this information across their suco and aldeias.

   o Work with and assist the suco council, local polling officials (Meza Eleitorál), CNE and STAE before and during local elections to highlight inclusion issues and resolve physical accessibility barriers at polling stations.

   o Raise the importance of accessibility during the planning stage for infrastructure projects designed and managed by the suco under programs such as the National Suco Development Program (PNDS), including venues such as schools that may be used as polling stations.

   o Partner with the Government, civil society, and NGOs to promote inclusion and diversity in political life, including the participation of people with disabilities, and particularly women with disabilities, during elections and in political decision-making processes.
3. **Without further delay:**

The Government should ratify the *Convention on the Rights of Persons with Disabilities* (CRPD), which includes provisions under Article 29 regarding the participation of people with disabilities in elections.

- The Government must commit to progressively realising international best practice to ensure the rights of people with disabilities in Timor-Leste, including a long-term commitment to holding elections that are more inclusive.
Introduction

The right of all citizens to participate in elections, along with the democratic principles of universal suffrage and free voting, are enshrined in the Constitution of the Democratic Republic of Timor-Leste. But for people with disabilities, the ability to vote and participate in political processes is not always guaranteed.

Voting in elections is an important way to ensure that civil society and the broader public recognizes and accepts the dignity of people with disabilities. Voting also provides a direct means to demand that national and community leaders address the issues and challenges facing people with disabilities – when people with disabilities are seen as voters and citizens with the same rights as all other people, political leaders cannot ignore their needs. Broader still, participation by people with disabilities is important for any nation that measures the strength of its democracy by its ability to empower all of its citizens in political life. Therefore, the suco (village) council elections held in October and November 2016 presented an important opportunity for people with disabilities in Timor-Leste to claim their rights to participate in the political life of their local communities.

USAID’s Ba Distrito project aims to increase the capacity of the Government of Timor-Leste to hold fair, transparent and inclusive suco elections, and to facilitate voter engagement in the process. To achieve this, in the lead-up to the elections Ba Distrito worked with the two national electoral management bodies, the Technical Secretariat for Electoral Administration (STAE), and the National Election Commission (CNE), to engage and communicate with voters about their electoral and civic rights and responsibilities. In particular, Ba Distrito looked to encourage electoral participation of three groups: women, youth, and people with disabilities.

To reach and include people with disabilities, Ba Distrito partnered with Ra’es Hadomi Timor Oan (RHTO), the national disabled persons’ organization in Timor-Leste. RHTO provided assistance with advocacy, monitoring and civic engagement activities to facilitate voter education and promote participation for people with disabilities.

RHTO also undertook election monitoring and polling station visits on the day of suco elections, October 29, 2016, to assess the involvement of people with disabilities in the suco elections. The Timor-Leste 2016 Suco Council Elections, Disability Inclusion Monitoring Report (the Report) herein, outlines and analyzes the findings from this election monitoring.

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STAE is an electoral management body under the Ministry of State Administration, whose responsibilities include the drafting of electoral regulations and codes of conduct; voter registration and the electoral register; and undertaking the logistics and administration of voting procedures.

CNE is an independent electoral management body comprised of seven commissioners whose responsibilities (amongst others) include: supervision of all phases of the electoral process; monitoring STAE’s election activities; enforcing constitutional and legal electoral provisions; handling electoral complaints; and conducting voter education.
Background

1. Disability in Timor-Leste

The 2015 Census found that 38,118 people, or 3.2 per cent of the population, have a disability in Timor-Leste. However, disability advocates (civil society and not-for-profit organizations in the disability sector) have consistently raised doubts over the accuracy of the official disability statistics, citing limitations in the census design and implementation, including application of too narrow a definition of 'disability'.

Applying the World Health Organization and World Bank estimate – that 15 per cent of the world’s population has a disability – means that there could actually be more than 177,000 people with disabilities in Timor-Leste, and many more who are frail or elderly.

The Government of Timor-Leste has taken some important steps to uphold the rights of people with disabilities. A National Policy for the Inclusion and Promotion of the Rights of People with Disabilities exists and there is a National Action Plan for People with Disabilities 2014-2018, although this is yet to be formally approved by the Timorese Government. However, gaps still remain in the implementation of disability policy across the Government, and there is a lack of information and awareness about the rights of people with disabilities from within the Government and across society as a whole.

People with disabilities often lack access to the relevant information to help them claim the rights owed to them. This group of people also sometimes face discrimination in Timorese society, and are left behind in benefiting from national development in the key areas of health, education, livelihoods and employment and political participation.

2. The Electoral Rights of People with Disabilities

Under Sections 16 and 21 of the Constitution of the Democratic Republic of Timor-Leste, people with disabilities are entitled to the same universal rights and duties as all other citizens.

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4 (MOF 2016)
5 For example, the 2010 Census found 48,243 people, or 4.6 per cent of the population had a disability. This means that the number of people with disabilities in Timor-Leste has officially fallen by over 10,000 people in the five years between 2010 and 2015, despite an overall population growth of approximately 11 per cent over the same period. This unexplained variation seems to confirm the doubts raised by disability advocates as to the limitations of the census for quantifying disability prevalence.
6 International best practice to identify people with disabilities in census processes recommends the use of the Washington Group Short Set of Six questions related to disability (developed by the Washington City Group of the United Nations Statistics Division) that utilises a functioning approach to determine impairment, whereas in Timor-Leste the Census only uses four categories: walking; seeing; hearing; and combined intellectual/mental.
7 (WHO 2011)
8 The objectives of the National Policy are to: (1) Promote equal opportunities, active participation, and improved quality of life for people with disabilities; (2) Define areas of Government intervention in 10 sectors; (3) Create a mechanism of cooperation between Government and civil society to enable monitoring. The Ministry of Social Solidarity (MSS) leads this policy, with other relevant Ministries and Secretaries of State nominating a Focal Point for disability from within their respective institutions. The Ministry of State Administration, responsible for elections, is not part of this group.
9 The National Action Plan is an ongoing policy commitment from the Government. It identifies objectives, programs and strategies for inclusion across 10 key sectors.
Constitutional Rights For People With Disabilities

Section 16: Universality and Equality
1. All citizens are equal before the law, shall exercise the same rights and shall be subject to the same duties.

2. No one shall be discriminated against on grounds of colour, race, marital status, gender, ethnic origin, language, social or economic status, political or ideological convictions, religion, education and physical or mental condition.

Section 21: Disabled Citizens
1. A disabled citizen shall enjoy the same rights and shall be subject to the same duties as all other citizens, except for the rights and duties, which he or she is unable to exercise or fulfil due to his or her disability.

By extension, these constitutional rights have generally also ensured the maintenance of statutory voting rights for people with disabilities. The current national legislation for presidential, parliamentary and suco council elections (‘suco elections’) does not place restrictions on voting for people with disabilities, requiring only that a person is a Timorese citizen aged 17 years or over, registered on the electoral register, and holding an electoral card.

Prior to every election, STAE also updates official regulations regarding the election’s administration. These regulations have previously contained specific provisions for the participation of people with disabilities. For example, the regulations released in 2011 for the 2012 presidential and parliamentary elections (2012 Elections), included articles that allowed a person with disability to be accompanied in the voting booth by a person of the voter’s choice, and the requirement for people with disabilities to be provided priority in voting queues. These regulations also contained an opaque reference to the requirement for “accessibility” and “lighting” at polling stations. Disability advocates have questioned the adequacy and lack of specificity of STAE’s regulations in ensuring that people with disabilities are able to vote, as they do not yet comply with international best practice.

The UN’s Convention on the Rights of Persons with Disabilities (CRPD), although not yet signed or ratified by Timor-Leste, provides guidance on what true equality and participation of people with disabilities in elections should look like. Article 29 of the CRPD – Participation in Political and Public Life – specifies requirements for state parties to ensure people with disabilities are able to vote, and be elected, by ensuring voting

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10 2011 amendments to Laws No. 06/2006 and 07/2006 regarding the presidential and parliamentary elections removed the provision denying active electoral capacity to: “Individuals clearly and publicly known as mentally ill even where they are not judicially disabled”.

11 Refer to Law No. 06/2006, Law on the election of the National Parliament (as amended 2011); Law No. 07/2007, Law on the election of the President of the Republic (as amended 2011); and Law No. 09/2016, Suco Law.

procedures, facilities and materials are accessible, appropriate and easy to understand and use, and that people have an option to receive assistance to vote from a person of their choice.\textsuperscript{13} The efforts of the Government of Timor-Leste and the national election management bodies to date have yet to meet all of these requirements.

3. Previous Electoral Experiences for People with Disabilities

Voter Registration

The electoral register and registration process is operated by STAE. To encourage voter registration, STAE maintains municipality registration offices and also carries out mobile registration campaigns.

Additionally, prior to the 2012 Elections some specific disability-focused programs were undertaken by CNE and the Ministry of Social Solidarity (MSS) to assist people with disabilities to register to vote.\textsuperscript{14} Disability sector NGOs and civil society organizations provide ongoing programs to identify and assist people with disabilities to register in order to uphold their right to vote in elections, but also because a person must be on the electoral register to receive government social assistance.

The number of eligible registered voters in Timor-Leste is very high and so it is probable that most people with disabilities are on the electoral register. However, there were reports from the lead-up to the 2012 Elections that many people with disabilities did not hold an electoral card, as they could not physically get to registration offices or mobile registration sites.\textsuperscript{15} For this reason, disability advocates endorse the need to strengthen government registration legislation and policies to ensure universal voter registration in Timor-Leste.

Voting in Elections

Even amongst people with disabilities in Timor-Leste who are registered, many do not vote in elections.\textsuperscript{16} This is because they face specific barriers to voting not faced by people without disabilities. The barriers include:

1. Physical Barriers (Environmental Accessibility)

Physical barriers are characterised by people not being able to get to, enter or use the facilities at polling stations because they are not accessible for people with disabilities (e.g. people who use wheelchairs). Physical barriers make it difficult or impossible for people with disabilities to vote independently, and people instead often have to rely on the help of family members, other voters, or election officials to assist them to overcome these physical barrier obstacles.

In Timor-Leste, physical barriers are often present in public buildings such as schools, which are used as polling stations. During the 2012 Elections, “Observers consistently noted that polling stations were not (physically) accessible to people with disabilities.”\textsuperscript{17}

\textsuperscript{13} Refer to Appendix One: Article 29 of the CRPD.
\textsuperscript{14} (HRTJS 2011)
\textsuperscript{15} (ibid.)
\textsuperscript{16} (RHTO 2012)
\textsuperscript{17} (IRI 2013)
Physical accessibility barriers noted from RHTO’s election monitoring in 2012 included: high stairs and lack of access ramps; the height of voting tables and boxes; poor lighting for people with visual disabilities; lack of accessible toilets; and the distance and lack of transport to the polling stations.\textsuperscript{18} Travel barriers are more profound in the rural areas of Timor-Leste, where distances to polling stations are greater, and road conditions are generally worse.\textsuperscript{19}

Physical barriers at polling stations also have greater significance in Timor-Leste because voters do not have options for absentee ballots, and in the case of suco elections, do not have access to mobile voting stations in places such as hospitals and prisons.

2. **Institutional Barriers**

Institutional barriers refer to inadequate laws, regulations and electoral governance. At polling stations, institutional barriers are characterised by people with disabilities not being provided with adequate assistance from polling station staff, due to lack of training or awareness regarding their rights and the correct procedures.

In 2012, RHTO’s election monitoring noted a lack of disability awareness among STAE election officials at polling stations, leading to inadequate information being provided to people with disabilities, and in some cases breaches of election regulations regarding the assistance they provided to people when voting.\textsuperscript{20} The International Republican Institute’s (IRI) election monitoring observed that during the 2012 Elections, “Though polling station staff was [sic] willing to help voters with disabilities, they did not appear trained to do so”.\textsuperscript{21} However, other reports noted that STAE staff took immediate action to assist priority voting for vulnerable groups (i.e. moving some people forward in voting queues), consistent with the STAE’s election regulations.\textsuperscript{22}

3. **Communication Barriers**

Communication barriers occur when people with communication, hearing, cognitive, or visual disabilities are unable to understand information about their electoral rights, or vote fairly and correctly, because information is not communicated in accessible formats, such as using large lettering or easy-to-understand written materials, or techniques such as Braille and sign language. Communication barriers can occur both before elections (e.g. lack of adequate methods of communication in public service announcements), and during elections (e.g. lack of clearly, large print on ballot papers).

During the 2012 Elections, RHTO provided magnifying glasses at some polling stations to assist people to overcome communication barriers, and there were some efforts made by election officials to display clear posters on voting procedures at polling stations, but these efforts were not universally applied.\textsuperscript{23}

\textsuperscript{18} (RHTO 2012)  
\textsuperscript{19} (HRTJS 2012)  
\textsuperscript{20} (RHTO 2012)  
\textsuperscript{21} (IRI 2013)  
\textsuperscript{22} (HRTJS 2012)  
\textsuperscript{23} (ibid.)
4. **Attitudinal Barriers**

Attitudinal barriers may involve people not wanting to vote because they fear discriminatory or demeaning treatment at the polling station due to negative community perceptions about people with disabilities.

In 2012, RHTO documented some instances of fear of intimidation experienced by voters with disabilities, as well as actual instances of intimidation of voters with disabilities – in some cases people with disabilities were too scared to request help or make complaints, and in other cases people did not attend a polling station or try to vote at all.24

4. **The Suco Law No. 9/2016**

When the Sixth Constitutional Government came into power in February 2015 it indicated that it would be revising the then-existing Law No. 3/2009 Community Leadership and their Election.25 Rejecting a draft suco law prepared by the previous government, it began the process of drafting a new law that proposed to change the council structure and the election process for the suco councils.26

In September 2015, the Ba Distrito project supported Asosiasaun Defisiensia Timor-Leste (ADTL) and its member organizations to analyze the new draft law and prepare written recommendations for consideration by National Parliament.27 On 29 January 2016, these recommendations were submitted to Committee A, National Parliament by ADTL on behalf of its members.28 ADTL also had the opportunity to present to Committee A, which was charged with reviewing and analyzing the draft Suco Law. ADTL’s recommendations included:

- That a representative of people with disabilities be elected to each suco council, to advocate for improved suco development in services, infrastructure and information for people with disabilities.
- That regulations for suco council elections include specific provisions to remove barriers for people with disabilities, including: lower voting booths for people in wheelchairs; providing magnifying glasses; and providing for the use of Braille.29
- That steps be taken to ensure that local development projects undertaken in sucos, such as those implemented under the National Suco Development Program

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24 (RHTO 2012)
25 Law No. 03/2009, Community Leaderships and Their Election.
26 Timor-Leste is organized into administrative municipalities and regions, each containing a number of villages (sucos) that are in turn comprised of separate sub-villages or hamlets (aldeias). Nationally there are 12 Municipalities and a Special Administrative Region (Oecusse), 442 sucos and 2,225 aldeias. Suco councils are the primary decision-making organ at the local level.
27 ADTL is the umbrella organization for 15 non-profit based-organizations that work in the disability sector in Timor-Leste.
28 Members include: RHTO, PRADET, Ahisaun, The Leprosy Mission Timor-Leste, Hadomi Defisiensia Matan Timor-Leste (HDMLT), East-Timor Blind Union (ETBU), Klibur Domin, AGAPE and Kongresaun Alma Sister.
29 Although the number of people in Timor-Leste who understand Braille is currently low, disability advocates strongly believe that the Government adopting Braille (along with other communication techniques such as sign language) in public services is vital to encourage more people with disabilities to learn these techniques. Furthermore, adopting accessible communication techniques is a powerful way to raise public awareness and change attitudes about disability.
(PNDS), are physically accessible for people with disabilities who live in the community.

- That all members of every suco council should receive specific training regarding disability.³⁰

Law No. 09/2016, the Law of Sucos, was promulgated by the President of the Republic in July 2016. The new Suco Law contains major changes to the structure and management of suco council elections compared with the previous elections (refer to the table below), but did not adopt any of ADTL’s recommendations for people with disabilities. Despite not achieving its objectives, ADTL was pleased with the opportunity to advocate for people with disabilities during the drafting process.

<table>
<thead>
<tr>
<th>Major Changes to the Administration of Suco Council Elections Under Suco Law 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Decentralization of election voting locations so that polling stations/voting will be present in at each aldeia (2,225) rather than only at the larger suco centres.</td>
</tr>
<tr>
<td>- Direct voting for the position of the <em>Chefe de Suco</em> (Suco Chief), <em>Chefe de Aldeia</em> (Aldeia Chief) and the one female and male representative from each aldeia, to the suco council.</td>
</tr>
<tr>
<td>- Minimum requirements for the nomination of at least one woman as candidate for Suco Chief and Aldeia Chief, and selection of one woman to the <em>Meza Eleitorál</em>.</td>
</tr>
<tr>
<td>- Decentralization of election management from the national electoral management bodies to the local authorities, including through the creation of local polling committees (<em>Meza Eleitorál Assembleia Aldeia</em> and <em>Meza Eleitorál Suku</em>) comprised of three officials at each aldeia and suco, chosen by the community or existing suco council. These officials are required to manage election procedures at the local level including through: receiving nominations from candidates; designing ballot papers for aldeia representatives; monitoring voting; counting votes; announcing results; and, receiving and resolving complaints.</td>
</tr>
<tr>
<td>- STAE and CNE only have a limited role in supporting the elections – in practice this meant that STAE provided training to local authorities and produced the ballots for Suco Chiefs, but were not involved in running the elections.</td>
</tr>
</tbody>
</table>

On 16 August 2016 the Government announced its decision to hold new suco elections on 30 September 2016, a date later revised to 29 October 2016.

Civil society organizations and some members of CNE voiced concerns with the proposed schedule, believing that it allowed insufficient time for suco councils to learn and prepare for their significant and highly technical new administrative electoral functions under the Suco Law.³¹

Other concerns were raised by the sucos themselves. Notably, a survey of 227 Suco Chiefs by The Asia Foundation in September 2016 indicated that ‘voting accessibility’ – the ability of women, elderly and people with disabilities to participate – was their primary concern regarding the elections.³²

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³⁰ (ADTL 2016)
³¹ (TAF 2016)
³² (ibid.)
5. Activities to promote participation of people with disabilities in the lead-up to the 2016 Suco Elections

Advocacy for Environmental and Institutional Change

As the first step to prepare for the 2016 suco elections, key disability organizations met to plan ways to promote and encourage electoral participation by people with disabilities. A total of four coordination meetings were held in late July and early August, which were also attended by representatives from CNE.33

To present their recommendations for election accessibility improvements to the Government, a further roundtable meeting was held on 7 September 2016, attended by the key disability organizations as well as representatives from the International Federation for Electoral Systems (IFES), the National Directorate for Support to Suco Administration (DNAAS), the Provedor for Human Rights and Justice (PDHJ), Counterpart International, CNE and STAE.

At this roundtable meeting, presentations were made based on the major recommendations from the 2012 Elections, including:

- The need to clarify the voting status of people with mental health conditions.
- The importance of clear regulations for the accompaniment of people with disabilities in the voting booth.
- The need for disability awareness training of polling station staff.
- How people with visual disabilities can interpret ballot papers.
- The need for transport to polling stations for people with disabilities.
- The need to audit polling stations for physical barriers prior to the elections, to ensure that appropriate venues are chosen to enable participation of people with disabilities.

One of the key outcomes of the roundtable meeting was that representatives of STAE, CNE and PDHJ accepted the need for future training and greater resources regarding disability within their institutions. However, they also indicated that nothing could be done to improve voting conditions for people with disabilities for the upcoming 2016 elections due to the limited time available to them. They also indicated that they considered it was primarily the responsibility of the Government to provide the policy impetus for prioritising disability inclusiveness (i.e. through passing or amending legislation).

Regulations for the 2016 suco elections were released on 28 September 2016 as Government Decree No. 14/2016, Electoral Regulation for Suco Bodies. The regulations outlined the specific procedures for implementing the elections, but did not contain any specific provisions to allow for the participation of people with disabilities. STAE and the Ministry of State Administration (MAE) also distributed more practically based

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33 Attendees included: RHTO (Chair); East Timor Blind Union (ETBU); PRADIT; Centro Nasional Rehabilitasaun (CNR); Counterpart International; AGAPE; The Leprosy Mission Timor Leste (TLM-TL); Assosiasaun Hadomi Defisiénsia Matan Timor Leste (AHDMTL); and Universidade Nacional Timor Lorosa’e (UNTL).
Guidelines for the Election of Members to Suco Bodies34 to the suco and aldeia authorities. These guidelines did include two articles relating to the assistance and priority of “special groups” at polling stations, but did not expand or improve upon disability provisions from STAE’s regulations for the 2012 Elections.35

Furthermore, the subsequent election preparation sessions across Timor-Leste’s 12 municipalities and the Special Administrative Region of Oecusse-Ambeno, undertaken by STAE to prepare local authorities, did not involve participation or input from specialist disability organizations.

**RHTO Analysis: Advocacy to Promote Institutional and Environmental Changes Prior to the Elections was Unsuccessful.**

Considering the truncated election schedule, disability advocates were granted a substantial audience with STAE and CNE in the lead-up to the suco elections. However, while the electoral bodies acknowledged the legitimacy of the issues raised during discussions, they were unwilling to commit to taking any actions to address them prior to the elections, citing time constraints. As no provisions for disability inclusion had been included in the Suco Law, there was also no statutory obligation (other than the previously discussed Constitutional guarantees) on the bodies to take action.

As a result, the Election Guidelines and training provided to the suco and aldeia officials did not address the key problems from the 2012 Elections – the issues of physical barriers at polling stations and the need for disability awareness training for polling staff – despite the fact that these concerns had been raised in separate election monitoring from RHTO, IRI and the Human Rights and Transitional Justice Section (HRTJS) of the United Nations Integrated Mission in Timor-Leste (UNMIT) in 2012, as well as in the lead-up to the suco elections by the suco chiefs.36

*(Note: RHTO understands that the electoral management bodies and disability advocates have been working together since the suco elections to try to strengthen disability provisions in proposed new amendments to the laws for the Presidential and Parliamentary Elections prior to the 2017 Elections.)*

**Advocacy for Attitudinal and Communication Change**

Disability advocates sought to raise public awareness and change public attitudes to encourage greater participation by people with disabilities in the 2016 suco elections.

In the lead-up to the elections, three disability-themed public service announcements were aired on the national radio and television broadcasters during September and October. Featuring people with and without disabilities, and using sign language for television, the one-minute messages targeted people with disabilities, their families, friends and the broader public in recognising and encouraging the right of people with disabilities to participate.

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34 (STAE & MAE 2016)
35 The two articles in the 2016 Guidelines were: Article 1.15, declaring that priority should be given to people with disabilities, the elderly and pregnant women so that these people should not be required to line up to vote; and Article 1.15.1.1, declaring that people with disabilities should have the ability to choose a person to accompany them, if required, when voting.
36 (RHTO 2012)
In total, the public service announcements were aired 100 times each, on both radio and television, including during peak viewing times to ensure the highest national audience exposure (radio and television are by far the most popular media platforms in Timor-Leste). Here the role of USAID in providing funding through the Ba Distrito project for the campaign was profound, as the expense of television and radio advertising previously proved prohibitive to prolonged television and radio advertising for disability awareness.

<table>
<thead>
<tr>
<th>Target Audience</th>
<th>Public Service Announcement - Key Message</th>
</tr>
</thead>
<tbody>
<tr>
<td>People with disabilities</td>
<td>“Ema hotu nia votu iha valor ne'ebé hanesan. Keta haluha ema ida iha direitu votu ida.” “Every person’s vote is equal. Don’t forget that every person has the right to a vote.”</td>
</tr>
<tr>
<td>Family, friends and others close to people with disabilities</td>
<td>“Mai ita hakbi’it no enkoraja ema ho defisiénsia ba vota.” “You can empower and encourage people with disabilities to vote.”</td>
</tr>
<tr>
<td>All citizens</td>
<td>“Eleisaun ida ne'ebé demokrátiku no sususu presiza sidadaun hotu nia suporta inklui partisipasaun ema ho defisiénsia.” “For an election to be democratic and successful, all citizens must be involved including people with disabilities.”</td>
</tr>
</tbody>
</table>

Significantly, the disability-focused advertising campaign received official endorsement from the national electoral bodies STAE and CNE. In reviewing and approving the announcements, the organizations ensured that the messages were consistent with the broader promotion of the suco elections, thereby providing the advertising campaign with greater authority and impact. This was the first time that disability-focused election advertising on television and radio had received official endorsement, demonstrating the benefits of engaging STAE and CNE early in the process.

A separate milestone was achieved when STAE included sign language translation in its televised public service announcement explaining the election calendar. This was the first time an electoral management body had used sign language translation, and one of the few times sign language has ever been used by any government ministry or institution in official public communications in Timor-Leste.

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37 (UNMIT 2011)

People with disabilities have previously been the focus of government advertising, including a specific disability awareness campaign by the Ministry of Social Solidarity and disability messages as part of the mainstream election awareness campaign run by STAE in 2012. However, previous campaigns were marked by a lack of cooperation between disability advocates and the Government, leading to the delivery of inconsistent and contradictory messaging to the public. In 2011, a television advertisement developed by RTHO with the theme “People with Disabilities have the Right to Vote” was actually pulled from the air and banned by STAE because of a dispute over the requirement for prior approval and endorsement.

In contrast, the lead-up to the 2016 suco elections was marked by positive collaboration and cooperation between disability advocates and the national electoral management bodies regarding the implementation of communication strategies for people with disabilities. Disability advocates have noted shifting attitudes within the electoral management bodies, who now appear determined to be seen to be taking steps to hold more inclusive elections – perhaps best illustrated by the fact that CNE distributed a publicity poster to all aldeias promoting its own consultation with disability organizations.

However, this is not to say that the commitment to disability inclusion from STAE and CNE has only been superficial. STAE and CNE’s official endorsement of RHTO’s public service announcements showed a genuine commitment to promote more inclusive democratic elections for people with disabilities, and an ability to work with and assist civil society to this end. Furthermore, the use of sign language in an election information announcement from STAE showed that they are making tangible changes to be more inclusive.

(Note: RHTO is pleased to also note that the strong relationship with the electoral management bodies appears to have continued beyond the 2016 suco elections – STAE and CNE presented at a seminar, “The Right for People with Disabilities to Participate in Elections and National Development” on 24 November 2016, and are working closely with ADTL in the lead-up to the 2016 Presidential and Parliamentary Elections.)

About RHTO’s Election Monitoring

RHTO applied in writing to STAE on 24 August 2016 for permission to monitor the suco elections, and later met the procedural obligations under s. 89 of Government Decree No. 14/2016, Electoral Regulations for the Suco Organs, by supplying its organizational and personnel documentation to STAE. Despite this, STAE was unable to provide identification for RHTO monitors before the election, and on 7 November 2016 officially denied monitoring permission (by which time RHTO had already completed election monitoring on 29 October based on receiving earlier verbal approval). The demonstrated lack of consistency from STAE indicates that they were not sufficiently organized or prepared to provide for independent election monitors during the elections.
In all, RHTO election monitors were present across five municipalities: Baucau, Covalima, Ermera, Liquiça and Oecusse – shown in the map below. In these municipalities and region, RHTO monitored 41 aldeia polling stations, in 28 sucos, for a total of 394 hours on the day of the suco elections, 29 October 2016. Monitoring did not occur during the run-off elections which took place on 13 November 2016, nor did it observe conditions in the national capital Dili.  

![Map of Timor-Leste showing municipalities with RHTO election monitors](image)

To achieve this level of monitoring, RHTO provided disability and election monitoring training to a total 50 election monitors (40 men and 10 women), which consisted of 10 monitors in each municipality. The election monitors were composed of RHTO staff and community volunteers, the majority of whom have disabilities.

Election monitors were briefed on the necessary information they needed to report on to ensure a broad range of information was captured regarding the involvement of people with disabilities in the suco elections. They were also trained on how to identify people with disabilities with respect to maintaining their privacy and dignity. Each monitor was provided a T-shirt for identification, and also received payment to cover their time, travel, and expenses for both the training and election monitoring.

A standardized observation form was used by the monitors to record information including the participation numbers of people with disabilities, accessibility and barriers at polling stations, assistance provided at polling stations, complaints procedures, and other observations.

Limitations of the election monitoring included the limited previous experience and knowledge of some election monitors regarding election processes, disability policy and technical detail. The fact that the STAE/MAE Guidelines for the Election of Members to Suco Organs were released just weeks prior to the elections also meant that the wording

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38 Refer to Appendix Three: List of Aldeias and Suocos Monitored During Elections. Research in Timor-Leste often shows considerable differences between the experiences in regional areas and in urbanised Dili. Therefore, whilst there will no doubt be similarities, it is important to consider that these monitoring results may or may not reflect the experiences for people with disabilities who voted in Dili.

39 Refer to Appendix Four: Election Monitoring Form Questions.
of the monitoring form did not link exactly to the two disability provisions contained in the Guidelines – that polling officials must give priority for people with disabilities in queues and allow people to be accompanied in the polling booth by a person of their own choice. These limitations likely contributed to some election monitors providing less qualitative depth and explanatory commentary to describe some of their observations.
Election Monitoring Results

1. Participation by people with disabilities

RHTO election monitors observed that:

1.1 At least\textsuperscript{40} 327 people with disabilities (not including the elderly) were observed to vote across the 41 monitored polling stations, an average of almost eight people per aldeia polling station.\textsuperscript{41}

1.2 Of the 299 people with disabilities whose gender was recorded, 182 (61 per cent) were men and 117 (39 per cent) were women.

1.3 The majority of people with disabilities observed at polling stations had physical/mobility disabilities (172 people or 53 per cent). A high number were also noted to have visual disabilities (82 people or 25 per cent).

1.4 Twenty-two people (seven per cent) were observed with hearing or communication disabilities and 21 people (six per cent) with psychosocial disabilities.\textsuperscript{42} In 40 cases (11 per cent) the type of disability was not noted.\textsuperscript{43}

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\textsuperscript{40} In some cases two monitors attended the same polling station. To avoid duplication in these instances, only a single set of quantifiable data was included in the results.

\textsuperscript{41} Not all polling stations were monitored for the total time they were open.

\textsuperscript{42} Due to the methodology used by monitors, the observed number of people with hearing and communication or psychosocial disabilities likely underrepresents the true number of people with these disabilities who voted.

\textsuperscript{43} Some people have multiple disabilities – in these instances every disability was included as separate.
in one case because they were unable to travel to the polling station due to a mobility disability.

**RHTO Analysis: It Remains Difficult to Assess the Extent of Participation by People with Disabilities.**

Accurate baseline data on disability in Timor-Leste will help to ensure better evidence-based policies for people with disabilities across all government sectors, including electoral policies. Better statistics on the prevalence of disability will help the Government to identify and prioritise problems in the disability sector, design efficient policy interventions and measure their impacts more effectively.

For example, estimating the relative extent that people with disabilities are excluded from elections is not possible without accurate baseline data revealing the prevalence of disability in Timor-Leste (considering that the current prevalence figure from the census is likely an underestimation), and the number of registered and actual voters.

A framework for the collation of accurate disability statistics already exists in the Washington Group Short Set of Six Questions for disability identification, and there is no obvious reason that this should not be adopted in all future census or ministry-led demographic and health/social survey processes (e.g. undertaken by the Ministry of Social Solidarity) in Timor-Leste.

At the same time, disability advocates can build a greater understanding of the relationship between elections and disability by developing a locally-tested and standardised election monitoring framework for Timor-Leste (ideally developed in partnership with an internationally recognized mainstream election monitoring institution). Using a single monitoring framework and methodology will lead to greater familiarisation for monitors, stronger data, and the potential for longitudinal analysis.

**RHTO Analysis: Women with Disabilities Face Additional Disadvantage**

RHTO’s election monitoring reveals that only around two women for every three men with disabilities were observed to vote in the 2016 suco elections.

The level of political participation by women is already recognized as a significant problem in Timor-Leste where, for example, only 21 women were elected as Suco Chiefs from 442 positions in these elections. However, programs such as the 100% Hau Prontu (I’m Ready) campaign, implemented with support from many Timorese and international organizations, already target greater political participation of women including during the suco elections. Furthermore, the Government has made genuine commitments for the promotion of women in politics through gender quotas in the new Suco Law, and critically, by ratifying CEDAW. Combined, these actions can be considered as delivering some incremental success in the short-term – the number of woman Suco Chiefs has almost doubled since 2009.

Less well-recognized however, is that women with disabilities in Timor-Leste are likely to encounter both gender and disability barriers to political participation – ‘double disadvantage’. Previous research from RHTO has shown the extent of exclusion for women with disabilities from political participation at the local level. In 2015, 33 out of
49 (67 per cent) women with disability indicated that they were unable to participate in community meetings.\textsuperscript{44}

Disability and women’s advocates in Timor-Leste have strong organizational links, and often work closely to advocate across common issues. The election monitoring results indicate that disability advocates must expand collaboration with these groups, to specifically target greater participation of women with disabilities during elections.

2. Physical and communication barriers at polling stations

RHTO election monitors observed that:

2.1 Venues used as polling stations in aldeias were generally public buildings such as schools or community centres.

2.2 Stairs were present in 36 of 41 (88 per cent) polling stations. At polling stations with stairs, there was an average of two stairs. Thirteen polling stations had more than three stairs.

2.3 Six out of 37 (16 per cent) polling stations had ‘high’ gradient stairs.

2.4 At 14 out of 34 polling stations (41 per cent), observers noted that some people had to be lifted up stairs.

\begin{figure}
\centering
\includegraphics[width=\textwidth]{mobility_barriers.png}
\caption{Mobility/Accessiblity Barriers at Polling Stations}
\end{figure}

\textsuperscript{44} (RHTO 2015)
2.5 Over three quarters (78 per cent) of the polling stations with stairs did not have an access ramp. In all, election monitors noted access ramps at only eight out of 37 polling stations, but two of these ramps themselves were considered inaccessible for people with disabilities.

Exit to Polling Room – note the narrow exit, stairs and uneven ground. Baucau, 29 October 2016 (Source: RHTO Election Monitor).

2.6 Almost three out of ten polling stations (12 out of 41, or 29 per cent) had doorways that were not wide enough to allow people with mobility aids such as wheelchairs, crutches or sticks to enter or exit easily.

2.7 Of polling stations with toilets, 20 out of 34 (43 per cent) were considered accessible for people with disabilities.

2.8 The ground was uneven inside 19 polling stations (43 per cent), making it difficult for people with mobility disabilities or visual disabilities to move to the voting booth, or place their vote in the ballot box. An election monitor in Baucau described the situation at his polling station as, “People were pushing (in the line) and the voting booth was a really long way away and the path was difficult to move on for the elderly and people with disabilities. Based on this, the voting station did not place importance on people with disabilities.”

2.9 The booth or bench where people marked their ballot papers was considered too high for people with disabilities at 11 polling stations (29 per cent).

2.10 The majority of voting rooms (31 out of 41, or 76 per cent) had sufficient light for people to clearly see the ballot papers and move around the polling room safely,
with some monitors indicating that this was because the elections were held from mid-morning to mid-afternoon when the sun was out.

2.11 At 26 out of 36 polling stations (72 per cent), the layout and lettering on the ballot papers used was considered difficult to read clearly (e.g. lettering too small) for people with visual disabilities.

2.12 From the 41 polling stations observed, only polling stations in two aldeias (one each in Baucau and Covalima) were observed not to have any accessibility barriers (including both physical and communication barriers).

| Comparison of Physical Accessibility Barriers at Polling Stations Between Elections |
|-----------------|-----------------|-----------------|
|                 | 2012 Presidential and Parliamentary Elections | 2016 Suco Elections |
| Average number of stairs at polling stations | 2 | 2 |
| Percentage of polling stations with ‘high’ gradient stairs | 45% | 16% |
| Most number of stairs observed at a single polling station | 20 | 4 |
| Percentage of polling stations with ramps | 10% | 22% |
| Percentage of polling stations without accessible entrances (e.g. wide doors for wheelchairs) | 43% | 29% |

**RHTO Analysis: Fewer Physical Barriers at Polling Stations During Suco Elections compared with the 2012 Elections**

The 2016 Suco Law allowed for one polling station per aldeia (2,225), bringing the place of voting closer to the people. In practice, this change to the Law meant there were approximately 800 more polling stations than in previous elections (both local and national), where polling stations were based in suco centres. Furthermore, the aldeia-level polling stations were observed to have on average fewer physical accessibility barriers than polling stations in 2012 (refer to the table above).

A likely reason for this is that buildings available at the aldeia level are generally smaller and simpler, and therefore more accessible in design compared to 'larger and grander' buildings located at the suco level that were used as polling stations during the 2012 Elections. Simplicity of design is an important element of universal design principles (refer to the analysis in the following section). An additional benefit of the aldeia-level system

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45 (RHTO 2012)
46 (IFES 2016)
47 (RHTO 2012)
is that polling stations are more often closer to people’s homes, thereby making it easier for people with mobility disabilities to get to polling stations to vote.

Polling Station - note the high gradient slope at the entrance. Baucau, 29 October 2016. (Source: RHTO Election Monitor).

**RHTO Analysis: There are Multiple Reasons Why Physical Accessibility Barriers Still Exist at Polling Stations**

RHTO considers removing physical barriers to be particularly important in promoting participation in elections, noting that around three quarters of people with disabilities observed to vote in these elections had physical/mobility or visual disabilities. Physical barriers also affect the participation of other groups such as the elderly and pregnant women.

Despite the overall presence of fewer physical barriers compared with the 2012 Elections, RHTO’s election monitors identified only two out of 41 polling stations without any accessibility barriers for people with disability. This result justifies the accessibility concerns raised by disability organizations and the suco chiefs prior to the elections, and makes it crucial these issues are addressed by the Government or national electoral bodies in the future.

As polling station venues are nearly always located in multi-function community buildings such as schools, the issue of polling station accessibility is part of a broader problem regarding the lack of accessibility of public buildings in Timor-Leste. Therefore, it vital to implement national laws, regulations and guidelines to ensure that universal
design principles are used in the construction and renovation of all public buildings and spaces, including those in smaller local communities (for example, projects designed and implemented by the sucos themselves under PNDs). Such measures will improve the accessibility of the primary public services provided from these venues, such as education for children with disabilities at local schools, as well as during elections.

In the short-term, RHTO considers that the accessibility of polling stations can often be improved without the need for major capital building works or renovations. For example, it is no doubt the case that if officials were provided with basic disability awareness and accessibility guidelines before the elections, they would have been more likely to have chosen more accessible venues to serve as polling stations, and also taken some simple steps to set them up in a way to minimise the physical barriers present. In this regard it is unfortunate that there was no official advice provided to the local sucos and aldeias regarding physical barriers prior to the elections, as it is likely that this contributed to the number of physical barriers still present at polling stations during the elections.

**RHTO Analysis: Ballot Papers During the Elections Were Difficult to Read**

Under the new Suco Law, ballot papers for aldeia positions to the suco council are handwritten by aldeia polling officials on the day of the election, following the finalisation of the candidate lists (at the suco level the process is different, with separate ballot papers for the Suco Chief printed at the national level by STAE in the weeks prior to the election).

The production of aldeia-level ballot papers on the morning of the elections makes it difficult to ensure minimum standards of written clarity for people with visual disabilities or low vision. Furthermore, the absence of photographs of Aldeia Chief candidates on the ballot forms (Suco Chief ballots included photographs of all candidates) makes it more difficult for people to identify and vote for their chosen aldeia level candidates, particularly for people with visual disabilities or limited literacy or cognitive capacity.

Seventy-two per cent of people with visual disabilities indicated that the ballots were difficult to read, with the requirement that some ballots be handwritten on the day of the election no doubt contributing to this outcome. RHTO also considers that the current procedures for creating ballot papers on the day of the election makes it all but impossible to adopt tactile writing systems such as Braille ballot guides to assist people with visual disabilities to vote.

RHTO recognizes that the procedure for creating local-level ballot papers involves a balance between creating a system that is simple and efficient for local communities to implement, while at the same time ensuring that the process is sufficiently rigorous and inclusive to secure legitimate outcomes. However, RHTO's monitoring results provide a persuasive argument to review and amend the current provisions regarding the creation

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48 Universal Design is the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability. (Refer to: [http://universaldesign.ie/What-is-Universal-Design/](http://universaldesign.ie/What-is-Universal-Design/)).

49 Braille translation templates that fit over regular ballot papers.
of ballot papers under the Suco Law so as not to disadvantage people with disabilities in the future.

3. Assistance Provided to People with Disabilities at Polling Stations

RHTO election monitors observed that:

3.1 At nearly all polling stations (33 out of 41), people with disabilities, elderly people or pregnant women were moved to the front of queues in order to vote more quickly. At least 277 people were observed as given priority in this way.\(^{50}\)

3.2 In only three stations (all in Baucau) did election monitors specifically comment that, "Polling officials did not give priority to people with disabilities".

3.3 There were few problems created due to people with disabilities, the elderly and pregnant women being moved forward in queues. In only one instance did an election monitor note that some people expressed negative comments towards people with disabilities, when two people with visual disabilities were assisted to the front of the queue at a polling station in Liquiça.

3.4 People with disabilities, including elderly people, were accompanied by another person in the voting booth to assist them with voting at 37 out of 40 (90 per cent)

\(^{50}\) Not all election monitors recorded numbers of people who received assistance inside or outside of polling stations.
of polling stations that were monitored. In all, at least 170 people were accompanied in this way, an average of around four per polling station.

3.5 In the majority of cases (55 per cent) people with disabilities were accompanied into the voting booth by family members. However, local polling officials or others (such as RHTO staff) also provided assistance.

3.6 At one polling station in Covalima, an election monitor noted that people were not allowed to choose their own accompaniment when voting. At this station, “Police and voting officials did not allow family members to accompany people with disabilities to vote.” At this polling station, a Timor-Leste National Police (PNTL) officer and officials accompanied people with disabilities to vote, impacting on the secrecy of their vote, and often against the personal wishes of the voter (and contrary to the Election Guidelines).

3.7 Other than incidents noted above, there were no additional significant problems in the way that people were accompanied into the voting booth, with most election monitors commenting that the system for providing assistance was carried out with good intentions. Typical observations included, “Polling officials gave them permission (so) the families carried people to vote”, and, “For people that couldn’t see (visual disability), their children or grandchildren accompanied them to vote”.

However, an election monitor in Covalima saw a negative aspect of this informal, community or family-led assistance system for people with disabilities, noting, “Although assistance was provided ok, (it was confusing) as there was no clear
information provided to people with disabilities and the elderly (about how the system operated)."

3.8 No people with disabilities at monitored polling stations were disallowed to vote because of their disability (e.g. people with psychosocial disabilities).

3.9 At some polling stations, RHTO staff gave magnifying glasses to people with visual disabilities and the elderly to assist them to read ballot papers. While not available at all polling stations, the option was popular and used by at least 183 people.

RHTO Analysis: The Level of Assistance Provided to People with Disabilities During the Elections was Good, but can Become More Consistent.

During the elections people with disabilities, the elderly and pregnant women were given priority and moved forward in election queues at four out of five polling stations. Election monitors observed that the process was generally implemented without incident, and was largely accepted and even facilitated by the voters themselves.

In addition, people with disabilities, including elderly people, were able to be accompanied into polling booths for assistance in casting their vote at 37 out of 41 polling stations. In most of these cases people were accompanied by members of their family, with election monitors commenting that this system was administered smoothly. However, at one polling station, officials denied people their choice of companion, showing that knowledge about the rights of people with disabilities is not universally
understood, both by polling officials and members of the PNTL, whose unnecessary involvement in this case is particularly disturbing.

Generally, however, based on the election monitoring results, RHTO considers that the level of assistance provided during the 2016 suco elections was a vast improvement on the 2012 Elections, where election monitors documented a higher number of instances of people with disabilities being denied their choice of person to accompany them, were not provided assistance generally, suffered intimidating and demeaning treatment, or were denied their right to vote altogether. It is likely that smaller, closer-knit crowds of voters at the aldeia level, along with the higher degree of community ownership, afforded to communities administering the elections under the new Suco Law, contributed to better assistance for people with disabilities during the elections. The use of locally appointed polling officials instead of STAE officials may also have fostered a less authoritative, and more amiable and flexible relationship between officials and voters when voting, including people with disabilities.

In some of the more populated aldeias, such as in Baucau, there were reported instances of pushing and shoving in queues (refer to Figures 7 and 8 below), suggesting that there is a link between the size of crowds at polling stations and the level of unsupportive social behaviour. Unsurprisingly, there was also a correlation between these polling stations and election monitors observing that polling officials, “did not prioritise people with disabilities” – it is likely that, as polling officials came under greater pressure to manage crowds, they in turn had less time to provide assistance. In these cases, the ‘one-size-fits-all’ model limiting each aldeia to only three polling officials appears too restrictive.

Based on the election observations, RHTO also considers it important that future elections adopt strategies to limit the size of crowds at polling stations. This may be especially important during future national elections, where there may be larger, more diverse crowds, and thus greater pressure on polling officials. Strategies to manage numbers at polling stations may include ensuring adequate polling station to population ratios, linking the number of polling officials at polling stations to the population size of aldeias, extended voting times; encouraging early voting, choosing and arranging venues to control crowds (and maximise accessibility), and providing separate queues for people with disabilities.

The popularity of magnifying glasses that were provided by RHTO staff to voters at some polling stations also suggests that these should added to the provisions of essential materials provided to all polling stations by STAE.

4. Complaints by Voters at Polling Stations

RHTO election monitors observed that:

4.1 There were very few formal complaints observed at polling stations.

4.2 People with disabilities made complaints to polling officials at five polling stations in the Ermera and Covalima municipalities regarding the same issue with ballot papers. In these cases, people with disabilities were among other complainants without disabilities who were confused by the different types of ballot papers in
use – for the Suco Chiefs (with photographs of all the candidates on the ballot papers), and for the aldeia-level positions (without photographs).

In all of these cases the local polling officials explained to complainants that there was nothing they could do to resolve their confusion because, “This was the correct procedure under the Suco Law”, and, “The problem was a national problem”.

4.3 At one polling station in Oecusse there was “confusion” regarding people who had electoral cards registered to another suco. In this case the President of the Meza Eleitoral determined that these people were still able to vote.

**RHTO Analysis: Lack of Understanding of Ballot Papers Led to Voter Complaints.**

RHTO considers the complaints about the ballot papers in Ermera and Covalima were due to the fact voters lacked information regarding the different types of ballot papers used in the elections.

These complaints illustrate the importance of clear communication with voters regarding voting systems and ‘how to vote’ procedures, both before and during elections, to ensure people understand the voting process.

Greater understanding leads to better voting, as fewer incorrect or invalid votes will be submitted. Clear and simple-to-use ballot papers and well publicised ‘how to vote’ procedures are particularly important for people with visual disabilities, people with low vision, the elderly, or people with low literacy and numeracy.

**RHTO Analysis: Under the Current Suco Law, People with Disabilities Are Unlikely to Formally Complain About Their Treatment at Elections.**

RHTO notes that no formal complaints relating to the rights of people with disabilities were observed during the elections. However, RHTO considers that the lack of official complaints does not necessarily reflect that the elections were held without incident in relation to human rights. This is because the local polling officials, who were charged with receiving and responding to such complaints, were untrained, and information about how to lodge such complaints was non-existent.

RHTO considers that in the absence of information about how to make a complaint, and a credible system to reassure complainants that they will be taken seriously and afforded adequate protections, complaints will not be made – as reflected in findings from the 2012 Elections, where some people with disabilities were too scared to complain about their poor treatment.51

The absence of a proper rights-based complaints system disproportionally affects people with disabilities and other vulnerable groups, who are more likely to be victims of infringements upon their rights. As such, a credible, well-understood system for receiving and responding to complaints at the polling stations is a critical commitment to ensure equal rights for people with disabilities.

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51 (RHTO 2012)
Similar to other suco election processes, establishing a complaints procedure that is feasible within the confines of the resources available to each suco and aldeia presents a major challenge. To this end, RHTO notes the commitment made before the elections from the national human rights institution, PDHJ, to further discuss disability awareness. RHTO also understands CNE has invited ADTL to work with them in the lead-up to the 2017 Elections to help create a complaints system that can be used by people with disabilities. Any future collaboration on electoral complaints procedures must address two aspects: increasing the accessibility of complaint making process; and increasing the level of awareness of how to make complaints (e.g. undertaking an awareness campaign that adopts communication techniques that can be understood by people with disabilities).

5. Safety and Security at Polling Stations

RHTO election monitors observed that:

5.1 In most aldeias there were “no problems observed” in relation to safety and security at the polling stations, with election processes often described as “normal”. Indeed, some election monitors specifically noted high levels of community spirit, togetherness and cooperation at the voting stations.

5.1 In three aldeias in Baucau, people were observed to be pushing and shoving in queues while lining up to vote. One election monitor noted, “The officials had no
control of the situation and did not give priority to people with disability; people were shouting and there was no organization.”

5.2 Election monitors in 13 aldeias across Baucau, Ermera and Oecusse noted that the presence of the PNTL at polling stations helped to resolve small problems and arguments and calmed the large crowds. “There were no fears (at the polling station) because the PNTL provided security”, noted one election monitor. In Baucau, a more serious ruckus involving supporters of rival candidates for the Suco Chief position was also resolved peacefully by the PNTL.

**RHTO Analysis: People with Disabilities Cannot Always Be Brought Forward in a Queue Safely**

It is apparent from the election monitoring that some pushing and shoving in queues is almost inevitable at crowded polling stations. The layout of some polling stations and the sheer number of voters may present impassable obstructions to people with disabilities.
or the elderly to safely move forward in a line as directed by election administration guidelines and regulations (refer to Figures 7 and 8).

Therefore, RHTO considers that the safest and most efficient way for people with disabilities, the elderly or pregnant women to vote safely, is for the establishment, where possible, of separate queues and entrances for these people at polling stations.

Conclusions

On 31 October 2016, the Government issued a press release congratulating the Ministry of State Administration, CNE, STAE and all relevant institutions on the successful and peaceful elections held two days before. The achievement of carrying out generally successful elections, managed largely by the local community themselves for the first-time, under a new law, and across 442 sucos and 2,225 aldeias, is indeed a significant outcome.

Beyond this ‘big picture’ election outcome, there were also significant achievements made by people with disabilities, disability advocates and the national electoral bodies towards the aim of holding more inclusive elections in Timor-Leste. However, RHTO’s election monitoring also identified some ongoing problems and specific challenges for people with disabilities during the elections.

1. Achievements and Milestones

Prior to the Elections

Prior to the elections there was stronger cooperation between the national electoral management bodies, STAE and CNE, and disability advocates compared with before previous elections. The greater cooperation brought about several positive outcomes, including:

1. Representatives of the national electoral management bodies met with disability stakeholders and provided them the opportunity to advocate directly for environmental, attitudinal, communication, and institutional improvements to election procedures and administration.

2. National electoral management bodies and disability advocates agreed on the need for further disability training for agency staff and officials, to raise the institutional capacity regarding people with disabilities.

3. Disability advocates undertook a significant public awareness campaign via television and radio to promote disability inclusion and participation, and this campaign was endorsed and approved by the national electoral management bodies for the first time.

4. The national electoral management bodies demonstrated more inclusive communication by using sign language for the first time in a public service announcement.

During the Elections:

1. There were on average fewer physical barriers for people with disabilities at polling stations compared with during the 2012 Elections, possibly because the type of buildings used as polling stations in aldeias are naturally more accessible than those at the suco level.

2. Generally, the elections were administered smoothly, free of incident and were supportive of people with disabilities, particularly in regards to the level of assistance provided in election queues and whilst voting.

3. Locally appointed election officials and smaller more close-knit crowds at polling stations perhaps contributed to a friendlier and cooperative voting environment, with fewer incidents and complaints.

2. Disappointments and Ongoing Challenges

Prior to the Elections:

1. The National Parliament passed the new Suco Law without adopting any of ADTL’s recommendations, submitted on behalf of the disability sector. As a result, there is no legislative imperative for government ministries or the national electoral management bodies to address the environmental, attitudinal, institutional and communication barriers faced by people with disabilities when voting, and a lack of political representation for people with disabilities on the suco councils.

2. Although there was better communication between the national electoral management bodies and disability advocates prior to the elections, STAE and CNE did not take any actions to address the major issues raised, and STAE appeared unprepared to register independent election monitors.

3. The election guidelines from STAE and the Ministry for State Administration provided to the sucos and aldeias did not address the two key problems for people with disabilities as identified during the 2012 Elections – the physical accessibility of polling stations and the training of polling officials so they can better uphold peoples’ rights.

During the Elections:

1. Physical accessibility barriers were present at nearly every polling station. Ground obstacles, stairs, lack of ramps, inaccessible toilets, narrow entrances, and inaccessible heights of counters continued to make it challenging for people with disabilities to cast their vote.

2. Women with disabilities participated at lower rates (39 per cent) than men with disabilities (61 per cent).

3. The majority of ballot papers (72 per cent) were difficult to read (e.g. did not use large, clear lettering) for people with visual disabilities and low vision.

4. A lack of trained election officials, clear procedures and information at polling stations meant that it was difficult to lodge serious complaints regarding infringements of human rights.
3. Other Observations

RHTO also makes the following general observations from election monitoring:

1. The extent of participation, and importantly non-participation, of people with disabilities in the election cannot be accurately determined from election monitoring alone, without accurate census data on the number and distribution of people with disabilities in Timor-Leste.
2. It is difficult to compare and analyze elections for people with disabilities without a standardised and nationally relevant election monitoring framework.
3. PNTL presence outside polling stations had a positive impact on the elections, reassuring voters and officials and resolving any crowd problems before they escalated. Despite this, one PNTL officer overstepped their authority by accompanying people with disabilities in a polling booth despite their wishes.
4. Magnifying glasses were popular to help people understand voting forms, as was also the case during the 2012 Elections.

Recommendations

The 2016 suco elections have shown that Timor-Leste is able to successfully implement safe and smooth elections. The next step is to aim for elections that are also inclusive and accessible. Implementing the following recommendations will support the Government to realize its obligation of ensuring full democratic involvement of all citizens, including citizens with disabilities.

1. Recommendations for the 2017 Presidential and Parliamentary Elections

RHTO recommends that:

1. The national electoral management bodies (CNE and STAE), and disability advocates (led by ADTL and RHTO) should work together and take action to ensure greater inclusion of people with disabilities in upcoming national elections, including:
   - Undertake disability training programs to:
     - Raise the understanding of CNE and STAE staff on disability rights (constitutional and under relevant electoral laws and regulations), physical barriers at polling stations, and the importance of inclusive and accessible elections (as agreed by these parties prior to the suco elections).
     - Ensure all polling staff employed by STAE are able to practically ensure the rights and dignity of people with disabilities when voting – including securing their priority in queues and their right to choose a person to accompany them when voting if required.
   - Amend regulations and laws for the presidential and parliamentary elections to:
     - Ensure the standard list of equipment available and used at each polling station includes accessibility devices like magnifying glasses and Braille ballot guides.
Ensure that the venues chosen for polling stations are audited for physical barriers, and meet standards of accessibility.

Ensure there are sufficient numbers of polling station staff present at each voting location, one of whom is responsible for providing necessary support to voters with disabilities, the elderly and pregnant women.

Create, where possible, a separate queuing system specifically for people with disabilities, the elderly and pregnant women.

- Undertake election communications to:
  - Encouraging participation by people with disabilities, and specifically women with disabilities.
  - Continue and expand the use of disability inclusive communications, such as sign language, by the national electoral management bodies.

- Develop an environmental accessibility strategy to:
  - Increase the accessibility of polling stations, including auditing potential polling station locations prior to elections, and implementing strategies to remove physical barriers.

- Work with PDHJ and CNE to develop complaints procedures to:
  - Increase the level of trust in complaint-making procedures for serious complaints, and raise public awareness about how to make complaints.

**2. Disability advocates and institutions should work together with mainstream election monitoring organizations to develop a standardised framework for monitoring and assessing the level of inclusion of people with disabilities in elections in Timor-Leste, to be used in the upcoming 2017 national elections, and in future elections.**

**2. Recommendations for the next Suco Council Elections (scheduled for 2023)**

RHTO recommends that:

**1. The Government, STAE and CNE should amend the Suco Law and the future election regulations and guidelines to include:**

- Minimum disability accessibility standards at polling stations, which can be met through choice of appropriate venues, and the identification and removal of physical barriers at the chosen venues.

- Procedures allowing, where possible, for the creation of a separate queuing system specifically for people with disabilities, the elderly and pregnant women.

- Provisions to ensure an adequate number of officials present at each voting place, so that they may supervise and provide assistance both inside and outside of polling stations.

- Provisions that ensure the maximum possible readability and clarity of ballot papers for people with visual disabilities or low vision, that information is communicated to voters regarding procedures for voting and filling out ballots,
and that assistive equipment, such as magnifying glasses, are provided to people with disabilities.

- Provisions that allow voters to lodge serious human-rights complaints in way that is not intimidating and confidential.

- Minimum training standards for aldeia polling officials so they are practically able to ensure the rights and dignity of people with disabilities when voting by: allowing free accompaniment in voting booths; proactively maximising the physical accessibility of polling stations; and providing clear information to all voters on electoral process, including complaints procedures.

2. **The Government should amend the Suco Law so that there is a local representative on each suco council for ‘disability and inclusion’ (similar to the youth representatives), with the following functions:**

- Represent the interests of people with disabilities, the elderly and other vulnerable people on the suco council.

- Act as a ‘focal point’ to receive information, training and directives from the Government, national bodies, NGOs and civil society groups regarding inclusion and disability, and to share this information across the suco and aldeias.

- Work with and assist the suco council, local polling officials (Meza Eleitoral), CNE and STAE before and during local elections to highlight inclusion issues and resolve physical accessibility barriers at polling stations.

- Raise the importance of accessibility during the planning stage for infrastructure projects designed and managed by the suco under programs such as PNDS, including venues that may be used as polling stations.

- Partner with the Government, civil society, and NGOs to promote inclusion and diversity in political life, including the participation of people with disabilities, particularly women with disabilities, during elections and in political decision making processes.

3. **General Recommendations for the Government of Timor-Leste, Ministry of State Administration (MAE) and the national electoral management bodies (STAE and CNE)**

RHTO recommends that:

**1. The Government should ratify without further delay the Convention on the Rights of Persons with Disabilities (CRPD), which includes provisions under Article 29 regarding the participation of people with disabilities in elections.**

- The Government must commit to progressively realising international best practice to ensure the rights of people with disabilities in Timor-Leste, including a long-term commitment to holding inclusive elections.
2. The Government should adopt the internationally agreed *Washington Group Short Set of Six Questions* for disability identification in all future census, demographic and health survey processes.

   - The Government must make every effort to ensure that there is accurate statistical data regarding the number and distribution of people with disability in Timor-Leste through the adoption of best practice methodologies, which have been tested and adapted for the Timorese context. This is important because accurate baseline data regarding disability will help to ensure better evidence-based disability policies across all government sectors, including electoral policies and monitoring of elections.

3. The Ministry of State Administration (as the Ministry responsible for elections) and STAE should seek to be included in the Government’s *National Action Plan for People with Disabilities*.

   - The current National Action Plan will expire in 2018, providing an opportunity for STAE and MAE to join as members in the future. Joining the next iteration of a National Action Plan will indicate these institutions have strong commitment to integrating disability awareness and inclusion, and will provide opportunities for STAE and MAE to learn from inter-ministerial colleagues regarding inclusive strategies and activities from within other government programs.

4. The Government, led by the Minister of Public Works, Transport and Communication with other relevant ministries and bodies, should establish regulations mandating that the design, construction and renovation of public buildings (including local projects under the PNDS) must be compliant with universal design principles of accessibility for people with disabilities.
References


Appendix 1: UN Convention on the Rights of Persons with Disabilities (CRPD)

Article 29 - Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

a. Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

ii. Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

iii. Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

b. Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

i. Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

ii. Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

Article 36

**Voting by handicapped voter**

Voters who are blind or suffer from a physical illness or disability that prevents them from voting on their own may be accompanied by another voter chosen by them who is obliged to maintain secrecy about their choice.

Article 41

**Voting order**

1. Voters shall cast their vote by order of arrival at the voting centre or voting station and shall organize themselves in a queue.

2. The secretary of the voting station shall give priority to voters charged with electoral services, with protecting and providing security to the voting centre, to people clearly ill, and to those physically disabled, to pregnant women, and to medical or paramedical personnel.
### Appendix 3: List of Aldeias and Sucos Monitored During Elections

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<thead>
<tr>
<th>Municipality</th>
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<th>Aldeia</th>
<th>Municipality</th>
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Appendix 4: RHTO Election Monitoring Form

Munisípiu Observasaun: .................................................................
Postu Administrativu: .................................................................
Suku: .........................................................................................
Aldeia : ...................................................................................
Naran Fatin Votasaun : .................................................................
Tempu Observasaun : Hahu : .................................................... Remata : .............

A. **Haree ema ho defisiénsia ruma mai iha fatin votasaun? (Hakerek tipu ema ho defisiénsia ida-idak)**
   1. Ezemplu: Ema ho defisiénsia matan..........................................................F/M
   2. .................................................................................................................F/M
   3. .................................................................................................................F/M

B. **Asesu ba Fatin Votasaun**
   1. Iha eskada ba fatin votasaun?
      a. Iha
      b. Laiha
   2. Se iha, eskada hira mak iha fatin hodi tama ba fatin votasaun?
   3. Oinsa eskada nia modelu ka medida? **Badak/Aas**
   4. Iha rampa ruma? **Iha / Laiha**
   5. Ita bo’ot hare ema hiit ka foti sa’e/kous ema ho defisiénsia ba eskada leten? **Los/Lalos**
      ema hira?....M/F
   6. Kabina votu iha fatin votasaun? **Badak/Aas**
   7. Iha odamatan tama luan ba kadeira roda ou ai tongka? **Los/ Lalos**
   8. Iha barreira ruma ba ema atu la’o ou bae ma ho defisiénsia matan?
      a. Dalan la tetuk? **Los/Lalos**
      b. La iha naroman natoon ba kabina votu nakukun? **Los/Lalos**
      c. Iha Kabina votu nia laran, fatin hodi eleitör marka aas liu? **Los/Lalos**
      d. Buletin votu ho letratu/foto susar hodi le’e? **Los/Lalos**
      e. Buletin votu uza letra braille?) **Los/Lalos**
      f. Seluk tan.................................
      Se karik ita haree bareira ruma iha husi a to’o, halo favor deskreve ka esplika iha ne’e :
   9. Karik iha sintina iha fatin votasaun, sintina ne’e asesivel? (exemplu, iha eskada?) **Los / Lalos**

C. **Asisténsia sira ne’ebé oferese iha fatin votasaun**
   10. Ita bo’ot haree ema ho defisiénsia ou ferik katuas ba oin iha formasau? **Los / Lalos**
   12. Iha ema ruma bandu ema ho defisiénsia psikososial labele tuir vota? **Iha / Laiha** ema hira? M/F..........
13. Iha ema ruma persiza asistensia iha fatin votasaun?(exemplu; hi’it sa’e ba eskada leten) **Los / Lalos** ema hira?.......M/F Deskreve (esplika) asistensia saída mak persija ne’e? No se mak ajuda?

14. Ita bo’ot hare’e ema ruma ho difisiensia hetan akompanha husi ema seluk bainhira nia atu ba vota?(exemplu, ema ho defisiénsia matan ou ema ferik/katuas problema ho tilun) **Los / Lalos** ema hira? M/F............. se mak akompanha nia? **Familia / STAE (Ofisial) / Ema Seluk**
Deskreve (esplika) oinsa asistensia ne’e la’o: Ita ajuda ema ruma fó nia lensa habo’ot letra? **Los / Lalos** ema hira? M/F.........

15. Ita bo’ot haree ema ruma ho defisiénsia halo reklamasaun / keixa ida? **Los / Lalos** ema hira? M/F........ (se laiha hakat ban pergunta nú. 17)
- Se karik iha, oinsa Membru Meza Eleitorál sira hatan ba Reklamasaun ka Keixa ne’e?
- Reklamasaun ka keixa ne’e konsege resolve duni?

**Observasaun Seluk**
16. Iha asuntu seluk ruma ne’ebe mak signifika halo ema senti tauk ou konfuzaun? (Exemplu: ema ruma diskute malu, presiza asisténsia PNTL, no seluk tan karik iha?)
17. Karik iha observasaun seluk favor esplika iha ne’e.
Appendix 5: List of RHTO Election Monitors

**Baucau**: Silvestre Ximenes; Salvador Maria Pareira; Manito Belo; Domingos da Silva; Maria Abelita Freitas; Jose M.A da Costa; Angelo A da Silva; Noel Pareira Medonca; Julio da Costa; Estevario D.C.

**Covalima**: Antonio Januario de Deus; Agustinha A. Amaral; Damião Gonsalves; Eugudio Henrique; Madalena da Costa; Rosito Amaral; Aristo Martins; Mariana M. Mendonça; Ferdiana da Imaculada; Domingos Maia.

**Ermera**: Joanico Pereira dos Santos; Marcelo dos Santos; Florindo Soares; Carlito Soares; Marcos de Jesus Martins; Carlos Madeira; Rogai Castro Lemos; Antoninho Fatima da C.S; Benjamin Alves; Alexandre P.Salsinha.

**Liquiça**: Zeferino da Conceição; Jaco de Jesus; Paulo da Silva Neves; Fransisco dos Santos; Januario Gomes; Marcelo da Conceição; Canso Martins; Fernanda R. dos Santos; Abel dos Santos; Andre J. dos Santos.

**Oecusse**: Rojalina Caet; Maria R.H. dos Santos; Domingos Soares; Calisto Neno; Abraham Bubun; Yokobus Palat; Jose Corbafo; Anastacio Xavier; Yohana Elu; Pakoela Cofitalan.
RELATÓRIO MONITORIZASAÚN INKLUSAŬN EMA HO DEFISIÉNSIA
Ra'es Hadomi Timor Oan (RHTO)