

**A GENDER PERSPECTIVE AUDIT**

**OF**

**TIMOR LESTE'S**

**PRESIDENTIAL ELECTIONS**

**OF 2007**

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The gender perspectives in Timor-Leste's presidential elections of 2007 are analyzed under the following thematic areas:

1. Legal texts enabling the presidential elections
2. Electoral Administration Bodies
3. Voter Registration and Voter and Civic Education
4. Presidential Candidate's Political Platform
5. Electoral Observation
6. Media Monitoring

### LEGAL TEXTS

1. The legal texts enabling the presidential elections are to be found in the Constitution of Timor-Leste, the Presidential Election Law and the law establishing STAE and CNE.<sup>1</sup>
2. Part III Organization of Political Power, Title II President of the Republic, §§ 74-89 of the Constitution of Timor-Leste, promulgated on 20 May 2002, deal with the position, elections and functions of the President of the Republic. The language in Part III is gender neutral.
3. Of interest in terms of gender perspective in the constitution is Part III Organization of Political Power, Title II General Principles, § 63 Participation by Citizens in Political Life, item 2 which states:

“The law shall promote equality in the exercise of civil and political rights and non-discrimination on the basis of gender for access to political positions.”
4. The Presidential Election Law No. 7/2006, as promulgated on 26 December 2006, is gender neutral in its language. In instances where it has to refer to the sex of the person, it is gender sensitive as evidenced below in two examples.

Item c) of Article 6 states:

“To stand as presidential candidates, Timorese citizens should meet the following requirements .... c) to be in possession of *his* or *her* full faculties.” (Emphasis mine).

Item 3 of Article 39 states in part:

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<sup>1</sup> STAE stands for Technical Secretariat for Electoral Administration and CNE stands for National Electoral Commission.

“The fact that one can present “another official document” in order to exercise the right to vote helps safeguard extreme situations where, for instance, a citizen was a victim of theft, or *his* or *her* dwelling has been destroyed by fire, and no longer possesses *his* or *her* voting card.” (Emphasis mine).<sup>2</sup>

5. As to whether the conditions in the Presidential Election Law No. 7/2006 for presentation of candidacies are more onerous for women candidates to fulfill than for men candidates, we shall examine said law’s Chapter II, PRESENTATION OF CANDIDACIES, Article 15 – Article 26 which lay down these conditions. Only item 1 of Article 15 Power of Nomination is relevant to this inquiry where it states:

“Candidacies shall be presented by a minimum number of 5,000 and a maximum number of 7,500 voting citizens from all districts and no district may be represented by less than 100 proposers.”

6. At no time was there any complaint registered from women individuals or women groups that this article effectively barred them from running for president of the republic. Hence, it is assumed that women presidential candidates can obtain the minimum 5,000 proposers nationally with at least 100 proposers hailing from each of the 13 districts.
7. Lucia Lobato, the only woman presidential candidate, did not point out that she had a more difficult hurdle here compared to her male counterparts. Neither was it an issue raised by Rede Feto or Caucus Women as hampering women’s participation as presidential candidates.

### **ELECTORAL ADMINISTRATION BODIES**

8. The Report of the Expert Group Meeting<sup>3</sup> noted that “[t]he importance of gender balance in election administration recruitment from commissioners to polling station officials, is now being increasingly recognized.”<sup>4</sup> (Emphasis mine.)
9. In Timor-Leste, the law establishing the electoral administration bodies of CNE and STAE (Law No.5/2006) was promulgated on 19 December 2006.
10. As for embodying gender perspectives in its text for CNE, refer to item 2 of Article 5, Composition, which states:

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<sup>2</sup> English translation to be confirmed by Electoral Legal Advisor for official Portuguese version.

<sup>3</sup> The report “Enhancing Women’s Participation in Electoral Processes in Post-conflict Countries” by the Office of the Special Adviser on Gender Issues and Advancement of Women, Department of Political Affairs, 20 February 2004, EGM/ELEC/2004/REPORT

<sup>4</sup> P.9 of report.

“The organs referred to in sub-paragraphs a) to c) of item 1 above must designate, at least, one women per group.” [and] g) iii. One representative of women organizations.

11. Hence, the law mandates a minimum of 4 women commissioners in CNE out of a total of 15 commissioners.
12. Furthermore, Article 8, Competency, e) and f) decree that CNE must ensure equality in treatment of citizens in all acts of voter registration and electoral operations and ensure equality of opportunities and freedom of propaganda of the candidacies during the electoral campaign. It is safe to assume that under these equalities, gender equality is included.
13. A gender audit of CNE reveals that the present composition of CNE comprises of 5 women commissioners, instead of the mandated 4 women, because the President of the Republic appointed 2 women out of the three commissioners that he is entitled to appoint. Furthermore, there are 2 spokespersons, Maria Angelina Lopes Sarmento and Father Martinho Germano da Silva Gusmao. From press coverage, it would seem that Father Martinho Gusmao is more high profile than Ms. Sarmento. However, a Timorese woman journalist pointed out that Ms. Sarmento is not a figurehead and does her part of meeting the media equally. Ms. Sarmento remarked that the policy is for both of them to meet the media equally at the convenience of spokesperson’s daily agenda. Nevertheless, the president and coordinator of CNE is a man, Faustino Cardoso Gomes.
14. Of the 12 CNE alternate members, 7 are women and 5 are men.
15. Four CNE focal points are to be found in each of the 13 districts, making a total of 52 out of which 20 are women, i.e., 38 %. It is CNE’s policy to give priority to women candidates for these positions. At least one of the four district focal points must be a woman.
16. Furthermore, CNE has 15 men drivers and 6 administrative staff, of which only 2 are women.
17. In summation, it is noted that a man heads CNE and that women have not achieved parity in composition or position within CNE though there is a conscious policy for gender inclusion. The figures of 30% women commissioners and 38 % women focal points do not speak too badly for gender balance.
18. As for embodying gender perspectives in STAE, the enabling legal text is silent, but its language is gender neutral. See, for example: Article 33, Electoral Officers of the law on the election of the President of the Republic decrees that:

Each polling station shall be comprised of 5 electoral officers, as follows:

- a) One president;
- b) One identification verification officer;

- c) One ballot paper controller;
- d) One ballot box controller;
- e) One queue controller.

19. At the national level, STAE comprises of 17 persons of which only 2 are women, i.e., 12%. A man is director of STAE.

20. In the 13 districts, STAE established 504 polling centers and 705 polling stations, employing 3,525 polling staff. Each polling centre is headed by a Brigada. Hence there are 504 brigadas but a gender audit reveals only 95 of the 504 brigadas are women i.e., approximately 19 %.

21. Of the 3,525 polling staff, statistics are available for only 5 districts and reveals the following:

Oecusse <sup>5</sup>	Total 205	Men 135	Women 170	i.e., 83 %
Covalima	Total 205	Men 102	Women 103	i.e., 50 %
Viqueque	Total 250	Men 220	Women 30	i.e., 12 %
Aileu	Total 197	Men 128	Women 69	i.e., 35 %
Manatuto	Total 180	Men 126	Women 54	i.e., 30 %

In total, women formed 41 % of the total of 1,037 polling staff in the 5 districts.

22. As to sensitivity of polling staff to gender perspectives on polling day 9 April 2007, it was observed that in Liquica, there was a polling station that formed a priority queue for nursing mothers. In another station, the queues were segregated by sex. The latter may not be best practice but it is cited since it reflects a gender perspective in that decision.

23. In summation, the gender balance in STAE could be improved both in terms of number of women and positions held.

24. *It would seem that no electoral gender perspectives sessions were ever conducted for STAE and CNE members.*

25. The Office of the Chief Electoral Advisor heads UNMIT's advisory staff to STAE and CNE. At this office, both its chief and deputy are men while women occupy 6 other positions. It also has 2 male Timorese interpreters. Altogether, there 4 men and 6 women, i.e., 60% are women.

26. Three persons form UNMIT's advisory staff to the Certification Team – 2 men and one woman. The head is a man.

27. Three persons form UNMIT's advisory staff to the Court of Appeals – 2 men and one woman. The head is a woman.

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<sup>5</sup> This figure is incorrect and we are waiting for the correct figure.

28. As for UNMIT's advisory staff to CNE in headquarter, the head is a woman and she is supported by 6 other women and 5 men. Altogether women form 58%.
29. In the 13 districts, UNMIT's advisory staff to CNE comprise of 3 persons per district making a total of 39, of which 28 are men and 11 women, i.e., 28 %. Of the 13 districts, 9 are headed by men and 4 by women, i.e., 31 %.
30. UNMIT's advisory staff to STAE in headquarter is headed by a man and he is supported by 11 men and 8 women. Altogether women form 40%.
31. In the 13 districts, UNMIT's advisory staff to STAE comprises of 8-12 persons per district making a total of 113, of which 65 are men and 48 women, i.e. 42%. Of the 13 districts, 11 are headed by men and 2 by women, i.e., only 18%.
32. In summation, only UNMIT's advisory staff to CNE in headquarter is outstanding in terms of gender perspective being headed by a woman with a majority of its staff being woman. Although women form 60% at the OCEO, it is noted that the two top posts are held by men. On the other end of the gender perspective spectrum, UNMIT's advisory staff to STAE in the 13 districts can do better. It is for the UN to set the example in missions in post-conflict countries.
33. *It would seem that no electoral gender perspectives sessions were ever conducted for UNMIT advisory staff to STAE and CNE members.*

### **VOTER REGISTRATION AND VOTER AND CIVIC EDUCATION**

34. 21 March 2007 marked the end of the extended period for the voter registration update. By 9 April 2007, it was confirmed that there are 522,933 registered voters of which about 51.3 percent are male and 48.7 % are female. It is noted that, in general, women voter registration has been successful though reports from the districts indicated that the number of women queuing to register was inferior to men.
35. Voter and civic education was undertaken by STAE with support from EAS of UNMIT and UNDP. Each district disposes of one STAE focal point for voter education and she or he has a counterpart in an UNMIT advisory person. In total, there are 5 women and 8 men as STAE district focal points. On UNMIT's side, the figure was a dismaying 1 woman out of 13 as advisory support staff to STAE! They, moreover, had to rely heavily on the district's community and religious leaders to disseminate the message and these are mainly men.
36. With respect to gender perspectives, UNDP - who produced the material for voter and civic education - informed of a controversy over a song urging women to exercise their vote. This was construed by the male members of CNE to denote that women

should vote for the woman presidential candidate and therefore discriminatory against the male presidential candidates. This incident was collaborated by CNE Commissioner Maria Angelina Lopes Sarmiento who was the only person and woman commissioner to support the song in its original form. SOMET observer, Ms. Santana Soares pointed out that, although the song was amended to include men, the amended version cleverly reversed the stereotyped gender roles. In traditional Timorese society, it is men who speak out and women who reflect, while in the song, it is women who speak out and men who give their reflections!

37. It was pointed out that the printed material tends to show women holding the old voter registration card while men held the new ones. This observation may not be comprehensive because there are also posters showing women holding the new registration cards.
38. In summation, the involvement of women and gender perspectives in civic and voter education during the presidential elections could have been better. Apparently, districts and sub-districts disposing of community radio stations have not used these tools to promote gender perspectives in the presidential elections. The lessons learnt will be implemented during the period of the presidential run-off and the parliamentary elections.

### **PRESIDENTIAL CANDIDATE'S POLITICAL PLATFORM**

39. The 8 candidates for the presidential elections of 2007 – 2012 were as follows:
  1. Francisco Guterres - Lu-Olo
  2. Avelino Coehlo
  3. Francisco Xavier do Amaral
  4. Manuel Tilman
  5. Lucia Lobato
  6. Jose Ramos Horta
  7. Joao Carrascalao
  8. Fernando “Lasama” de Araujo
40. Of the 8 candidates, Lucia Lobato was the only woman presidential candidate. In her electoral campaigns, she skillfully highlighted women’s issues. In response to a question from Caucus Woman, she outlined 5 priority points: a big well-funded shelter for women victims of domestic violence, a weekly one-day open door for women to come to her office, priority for health and education issues and support to farmers and local productions. She also appealed to women’s sentiment to put her in as a woman president. She is the only candidate to put gender in bold in the electoral campaigns.

41. Of the remaining 7 male candidates, only Jose Ramos Horta played the gender card to some extent. He began by taking the microlet (local small bus) and sitting next to a woman who told him that she would like the government to help women market their produce like a place to sell tais. He also secured extensive space in the local papers to advertise his program in which there was a substantial section entitled, “XII – Gender Equality.”
42. Francisco Guterres Lu-Olo presented his program under the title of “I Promise To Serve The People.” Women or gender was mentioned 3 times interspaced among many other priorities.
43. It was reported that the Gender Specialist of Fernando “Lasama” de Araujo’s PD party appealed to supporters to vote for him during his electoral campaign in Ermera.
44. Of the other presidential candidates, it would seem that gender was not raised specifically as an issue during their electoral campaigns. However, among this category, presidential candidate Avelino Coelho seems an exception because he came out publicly in support of International Women’s Day and celebrated it with Lucia Lobato.
45. Of interest during this campaign period was the pre-recorded televised Presidential Candidates Debate with the theme “Ending Violence Against Women” organized by UNIFEM and others. Each presidential candidate was asked what contribution would she or he make, if elected president, to end violence against women, and impunity for violence against women and girls. Two presidential candidates could not be present as the recording date for the televised debate was postponed. Of the male presidential candidates who were present, it was reported that none adequately addressed the issues. They just took the opportunity to reiterate their general platform of which gender is touched upon in passing.
46. All districts reported that there were more men than women attending the presidential campaigns. This pattern held true even for Lucia Lobato’s rally in Liquica on 23 March 2007. Moreover, women tended to be passive participants while men took the active role in interacting with the candidates. Nevertheless, women were not absent and did register a presence in the region of 20-30% of participants. The European Union Elections Observation Mission (MOE-UE) estimated that female participation, in the 74 campaigns that the mission monitored, corresponded to about 25%.
47. In summation, it is to Timor-Leste’s credit so early on in its independence, that there was one woman candidate for president and Lucia Lobato, through her campaign, did succeed in keeping gender issues in public view. More can still be done to encourage greater women participation at political rallies. However, male presidential candidates should learn that gender-based issues are of national priority and treat them as such on par with other national issues, if there is to be gender equality in Timor-Leste.

## **ELECTORAL OBSERVATION**

48. The importance of Timor-Leste's 2007 presidential elections is reflected in the extraordinary number of observation teams, both national and international.
49. At the national level, 56 groups were accredited comprising of 1,911 members of which 1,092 were men and 819 women, i.e., 43%.
50. Most notable among the national observers was KOMEK. Not only was it the largest group with 1066 members but it was equally distributed by sex. It fielded at least 2 observers (one man and one woman) per polling stations with equal responsibility and status. Its observers received vigorous training.
51. It is noted that 5 national groups have no female observers and 3 national groups have no male observers.<sup>6</sup>
52. International observation teams total 27. Altogether they have 254 members of which 87 are women, i.e., 34%. There were 5 groups that had no women members.
53. The importance of gender perspectives in this area is often overlooked (emphasis mine.) Women and Elections: Guide to Promoting the Participation of Women in elections (UN, 2005) states:
- It is good practice for observation missions to include a gender expert who can focus exclusively on how election procedures will affect women's participation. In general, however, gender issues should be mainstreamed into the work of the observation mission; all members of the mission should participate in assessing how elections affect both men and women. Observer groups, and particularly national groups, should include equal numbers of women and men. All observers should be gender-sensitive and should receive some basic training on how election procedures can affect men and women differently.<sup>7</sup>
54. The European Union Electoral Observation Mission is conscious of the importance of gender in elections observation and its report contains a brief section on women's participation in Timorese presidential elections. The deputy of the Japanese observation delegation is a woman and she was of the same opinion. Most of the reports of the national and international observation teams are being prepared at this moment.

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<sup>6</sup> Organizacao Popular de Mulher, Caucus Feto Ilha Politik, and Conselho Juventude Distrito de Lauten.

<sup>7</sup> <http://www.un.org/womenwatch/osagi/wps/index.html#pub>

55. In summation, the UN should proactively seek to influence gender perspectives into the election observation and monitoring activities of national and international teams.

### **MEDIA MONITORING AND GENDER PERSPECTIVES**

56. A vital issue was the press coverage of 2 prominent Timorese women - Lucia Lobato, the only woman presidential candidate and Ma. Angelina Sarmento, CNE spokesperson. Another vital issue was how the media transmitted the importance of women's aspiration in the presidential campaign agenda.

57. The following accounts are illustrative:

On 8 March 2007, International Women's Day, at a program organized by REDE FETO, then aspiring presidential candidates, Lucia Lobato and Avelino Coelho stressed the importance of women's role in the nation-building process while commemorating the role of women in the national independence struggle of East Timor.

58. Lucia Lobato received fair media coverage in her campaign trail with the media exhorting acceptance of women in national politics. To the press' credit, it did not imply that it was by virtue of her traditional constructed role as a woman and therefore "motherly" that Lucia Lobato presented herself as a peace broker to resolve the Alfredo crisis or when she empathized with her fellow women's basic aspirations to be able to feed, clothe and send their children to school. The latter quality of Lucia Lobato, although reflecting the low level of politics of the ordinary Timorese's preoccupation with basic necessities, also appealed to male voters. Her appeal for peaceful negotiations with Alfredo was presented through the lens of national unity with her call to key religious leaders to be her principal advisers.
59. A monumental moment in the history of East Timor as an independent nation with its first woman presidential candidate was encapsulated in the First Lady's offering of roses to Lucia Lobato as a symbol of solidarity and democracy.
60. The scant media coverage of CNE spokesperson, Maria Angelina Sarmento in contrast to its copious coverage of her male counterpart, Father Martinho Gusmao, resulted in the public being unaware that CNE has 2 spokespersons, a man and a woman. Ms. Sarmento was interviewed only once by a local newspaper and carried twice in the international news. This uneven coverage by the media needs to be addressed as gender perspectives are involved.
61. Presidential candidates Horta and Lu-Olo's policies on women and children appeared in the media, but they were generalities. Lasama's policy on gender did not appear in the print media. Neither did those of presidential candidates Amaral, Tilman or Carrascalao. Coelho was quoted in the press for his policy on gender after 8 March International Women's Day.

62. In summation, the media has failed to recognize the intersection of gender and elections as important tools in the nation-building process. There seems to be little appreciation that gender refers to roles with respect to acts and rights of citizens of the nation and not just as differentiation of the sex(es). In this respect, the media needs to be directed on how gender transpires in the nation-building process and the vital role that media can play in this process.

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