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East Timor: Media Law Raises Serious Concerns

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In East Timor, as in many States emerging from long periods of undemocratic rule, unprofessional reporting by journalists is a widespread problem. A Media Law adopted in May of this year by the National Assembly, which is currently awaiting Presidential signature, was justified in part as being necessary to address this problem. Comments on the Law published today by the Centre for Law and Democracy (CLD) reveal serious problems in terms both of human rights and of the stated goals of the law.

[Click here to read the Comments](#)

[Click here to read a translation of the Media Law](#)

“The Media Law has some positive features, such as explicit protection for freedom of speech and prohibitions on censorship,” said CLD Executive Director, Toby Mendel. “However, the main regulatory systems it establishes not only represent serious breaches of the right to freedom of expression but, as experience in other countries has amply demonstrated, will do little to improve professionalism.”

The most serious problem with the law is the licensing regime it imposes on individual journalists, which includes setting conditions on who may be a journalist, requiring aspirant journalists to undergo onerous internships, giving the Press Council the power to license journalists and forbidding newspapers from hiring anyone who has not been approved by the Council. This is a clear breach of the right to freedom of expression, pursuant to which everyone has the right to practise journalism, which is a human right.

The Comments also note that there have been moves in recent years to establish a self-regulatory system for the media in East Timor and that such systems, where they are effective, are preferable to statutory systems.

Some of the other key problems noted in the Comments are:

- The Law defines media broadly to cover bloggers and even advertisers.
- The Law imposes vague and illegitimate obligations on journalists, such as to contribute to a democratic society and to exercise their profession independently.
- The rules relating to the Code of Conduct are very general, and fail to specify what sorts of provisions should go in the Code or what the penalty for breach will be.
- More could be done to promote the independence of the Press Council.

CLD urges East Timor’s President to consider these problems before signing the Media Law.

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• Highlights and Blog Entries

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• Archives

- [June 2014](#)
- [May 2014](#)
- [April 2014](#)
- [March 2014](#)
- [February 2014](#)
- [January 2014](#)
- [December 2013](#)
- [November 2013](#)
- [October 2013](#)
- [September 2013](#)
- [August 2013](#)
- [July 2013](#)
- [June 2013](#)
- [May 2013](#)
- [April 2013](#)
- [March 2013](#)
- [February 2013](#)
- [January 2013](#)
- [December 2012](#)
- [November 2012](#)
- [October 2012](#)
- [September 2012](#)
- [August 2012](#)
- [July 2012](#)
- [June 2012](#)
- [May 2012](#)
- [April 2012](#)
- [March 2012](#)
- [February 2012](#)
- [January 2012](#)
- [December 2011](#)
- [November 2011](#)
- [October 2011](#)
- [September 2011](#)
- [August 2011](#)
- [June 2011](#)
- [May 2011](#)
- [September 2010](#)
- [August 2010](#)