

Draft Media Law Could Bring Censorship to East Timor

Written by Mong Palatino On 27 February 2014 @ 1:45 am | [No Comments](#)

In [East Timor](#), [Feature](#), [Freedom of Expression](#), [Law](#), [Regulation](#), [Transparency](#)



[1]

East Timorese youth undergoing a journalism training sponsored by the Independent Centre for Journalism. Photo from Flickr page of DFAT photo library (CC BY 2.0)

East Timor journalists and human rights groups are opposing a government-proposed media [law](#) ^[2] which they believe would lead to possible media censorship and repression in the country. The draft legislation was approved by the Council of Ministers last August, but was introduced in the Parliament just two weeks ago.

The Council of Ministers claims that the law is [necessary](#) ^[3] since it seeks to guarantee the rights of media practitioners as well as encourage the media to do its job "objectively and impartially":

The Press Law aims to ensure the freedom of the press while at the same time promoting the necessary balance between the exercise of that freedom and other fundamental rights and values contained in the Constitution. Its purpose is primarily to regulate the activity of professionals adequately prepared and ethically responsible, so that they can inform the public objectively and impartially and encourage active and enlightened citizenship by the population, thus contributing to a democratic society.

But several media groups have pointed out that the proposed law contains several provisions that directly undermine free speech. They highlighted Article 7 of the measure which mandates the registration of journalists to be supervised by a Press Council. Activist group La'o Hamutuk [argued](#) ^[4] that the creation of a press council is unnecessary:

As freedom of expression is already guaranteed by the Constitution, no Press Council is needed to regulate it. A Council of commercial media organizations and paid journalists can self-regulate their business, including with their Code of Ethics, but their processes cannot be imposed on everyone and should not involve the state, either through financial support or legal enforcement. Furthermore, no journalist should be required to join an organization in order to practice his or her Constitutional rights.

The group also questioned a provision which would narrow the definition of journalists to those working for corporate media. It insisted that the media landscape has changed and that citizen journalists must also be recognized by the government:

This law should respect every person's right to free expression, including students, bloggers, web-posters, civil society organizations, free-lancers, part-time reporters, discussion groups, churches, political parties, columnists, researchers, community groups and ordinary people. It should not be monopolized or controlled by for-profit media.

La'o Hamutuk concluded by asserting that the proposed law is not crucial in promoting the right to information, and worse, that it violates the constitution:

Timor-Leste has already gone for more than a decade [without](#) ^[5] a Media Law, and we have not had problems with media and information. During this time, Timorese people enjoyed their right to information and freedom of expression through various media, after nearly five hundred years of repression and censorship.

Therefore, we conclude that this Media Law violates Timor-Leste Constitution Articles 40 and 41 about people's rights and freedom to seek, collect, choose, analyze and disseminate information, as words and/or images, to everyone.

Meanwhile, the Journalists Association of Timor-Leste [thinks](#) ^[6] that the bill, if passed into law, would mean more [regulation](#) ^[7] and not protection of the media:

We want the law to reflect the realities of the modern media and to obey international standards. What we see in these laws is gives an impression that they intend to regulate the press rather than protect the rights of East Timorese journalists.

Blogger David Robie concerns about transparency around the act, asking why the [content](#) ^[8] of the document was only made public a few weeks ago:

The proposed Timor-Leste media law is a draconian mixed bag. And it is ironical that such a document with lofty claims of protecting the freedom of the press should be shrouded in secrecy for the past six months.

Alarming is the attempt to lock in the status and definition of journalists, effectively barring independent and freelance journalism and leaving the registration of journalists entirely to the whim of commercial media organisations.

It would not have worked in any kind of democracy in the days of low-tech newspapers and media publishing. But in these days of digital media, citizen journalism and diversity of critical information online it is tantamount to censorship – the very thing the draft law states opposition to.

The International Federation of Journalists (IFJ) supports East Timor journalists in calling for the [review](#) ^[9] and even overhaul of the proposed legislation:

Any legislation that would limit the capacity of local and international journalists reporting on East Timor, also limits the public's right to know and is of great concern to the IFJ. We urge the government to ensure those reservations and perspectives are taken seriously and incorporated into the draft media law.

In response, the government vowed to consider all comments of media organizations before further deliberating on the draft proposal.

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[1] Image: <http://www.flickr.com/photos/106853342@N04/10730521496/in/photolist-hmdJcj-c4Rhpd-dcujHR-dcHAXB-dcBsSw>

[2] law: <http://www.laohamutuk.org/misc/MediaLaw/LeiImprensaAug2013en.pdf>

[3] necessary: <http://www.laohamutuk.org/misc/MediaLaw/COM6Aug13en.pdf>

[4] argued: http://laohamutuk.blogspot.com/2014/02/everyone-has-right-to-free-expression.html?utm_medium=twitter&utm_source=twitterfeed

[5] without: <http://www.laohamutuk.org/misc/MediaLaw/LHsubLeiImprensa19Feb14en.pdf>

[6] thinks: <http://www.laohamutuk.org/misc/MediaLaw/AJTLProtect%20Journalists30Nov2013.pdf>

[7] regulation: <http://www.diariutimorpost.tl/berita-1050-east-timorese-journalists-express-concern-on-proposed-media-laws.html>

[8] content: <http://cafepacific.blogspot.co.nz/2014/02/timor-lestes-media-law-secrecy-lifted.html>

[9] review: <http://www.laohamutuk.org/misc/MediaLaw/IFJMediaLaw14Feb2014.pdf>