

Government Decree No 10/2017

**Approving the technical procedures for conducting journalistic coverage of the
presidential election**

As amended January 14 2022

Republication of Full Decree 10/2017 with January 2022 Amendments

Preamble

The presidential election takes place in a pandemic context, although with the spread of vaccination among the population and the consequent increase in the percentage of people protected, the risks of contagion among the population are now lower. Despite this new reality, the care required for groups of people who enter and stay in polling centers and polling stations, implies that certain professional classes must be immunized so as not to become, potentially, vehicles that transmit the disease. Journalists, due to the freedom they have to circulate within the spaces where voting takes place and to remain there, as well as the right they have to enter and remain in tabulations, may, in case they are not vaccinated, be the cause of the spread of the virus. For this reason, it is necessary to ensure that these professionals are fully vaccinated, to ensure that they are not the focus of the spread of COVID19.

Thus, the Government decrees, under the provisions of article 67 of Law No. 07/06, of 28 December, amended by Laws No. 5/2007, of 28 March, 8/2011, of 22 of June, 2/2012, of January 13, 7/2012, of March 1, 4/2017, of February 23 and 15, 2021 of June 14, the following to be valid as a regulation:

CHAPTER I

General Provisions

Article 1

Scope of application

This regulation, regarding the news coverage of the presidential election, governs the acquisition of the status, the performance of functions, the rights and the duties of the media professionals accredited for the event.

Article 2.

Definition

For the purposes of this regulation, media professionals shall refer to journalists and correspondents of the print media and of radio and television stations, public or private, covering the electoral process in Timor-Leste, are media professionals.

Article 3.
Accreditation of professionals

1. The media professional interested in participating in news coverage of the electoral process must apply to STAE's for accreditation that enables him/her to enter polling stations, polling centers and electoral tabulation centers.
2. The request referred to in the preceding paragraph is submitted to the Press Council, which forwards it to STAE, and must be in accordance with the template approved by order of the General Director of STAE, after consulting with CNE, and it contains the full name and the voter number of the applicant, accompanied by the following documents :
 - a) A photocopy of the applicant's voter card, or valid identity card or passport;
 - b) A photocopy of the passport when it is a foreign applicant;
 - c) Proof of the exercise of professional activity in the field of media or declaration of the media body for which he / she performs functions, in the case of a foreign applicant;
 - d) Two passport photos of the applicant;
 - e) A document proving vaccination or testing negative to COVID 19, as defined in the legal document on exceptional and temporary health surveillance measures in response to the COVID 19 disease pandemic.
3. The process of issuing accreditations will begin after the publication in the Official Gazette of the Decree that establishes the date of the elections and ceases on the seventh day prior to the date designated for voting.
4. After receiving the documents that support the process of requesting accreditation of media professionals, STAE's Director General decides on the issuance of the respective credentials within forty-eight hours.
5. The credentials are issued within five days after the date of receipt by STAE of the accreditation application for the media professional.
6. Appeals against a decision to reject can be filed with CNE within twenty-four hours from the notification of the decision
7. The accreditation of media professionals, national and international, expires with the publication of the election results by the Supreme Court (STJ).
8. When a second round is held for the election for the President of the Republic, the expiration date described in the preceding paragraph is effective when the STJ publishes the electoral results for the second round.

Article 4.
Credential for Media Professionals

1. The media professional credential contains the following information:
 - a) The full name of the media professional;
 - b) Current photograph of the media professional;
 - c) The voter number, valid identity card or passport number for a national media professional;
 - d) Passport number if it is an international media professional;
 - e) Issue date of the credential;
 - f) Signature of STAE General Director;
 - g) Hologram with the emblem of STAE.
2. The media professional credential template is approved by order of the Director General of STAE, after consulting the CNE.

Article 5
Rights of media professionals

Within the scope of their news coverage of the electoral process, media professionals shall have the following rights:

- a) To access electoral information sources, under the terms of this regulation;
- b) To security conditions guaranteed by the state authorities to enable them to exercise their functions;
- c) To preserve secrecy of information sources, pursuant to the law;
- d) To be respected by the candidates and other electoral agents.
- e) Access to locations where the electoral process takes place, subject to the following article.

Article 6
Right of Access.

Media professionals have the right to access locations where the electoral process takes place, including the submission of applications for candidacy, electoral campaign activities, voting, counting of votes and tabulation of result for the purpose of informative coverage, in the following terms;

- a) The right of access shall allow media professionals to watch the counting and tabulation of votes, without prejudice to the provisions of the following norms;
- b) Prior to initiating reporting in polling centers, polling stations, and district and national tabulation stations, media professionals shall obtain authorization from the chairperson of the polling center in order to avoid disturbing the normal functioning of the polling center.
- c) The right of access is dependent on presenting a document proving vaccination or testing negative to COVID 19, as defend in the legal document on exceptional and temporary health surveillance measures in response to the COVID 19 disease pandemic.

Article 7
Duties of Media Professionals

In covering the electoral process, media professionals and media organs shall:

- a) Act with rigor and professionalism;
- b) Comply with the electoral laws and regulations, and promote democratic principles;
- c) Contribute towards the holding of free and fair elections, promoting the dissemination of news based on concrete facts;
- d) Grant equal opportunity and treatment to the various candidates;
- e) Confirm all the information prior to its dissemination, consulting all involved or interested parties, standing ready to prove the veracity of such information at any time;
- f) For the purposes of the preceding paragraph, in case of error, media professionals and media organs shall correct any news that is shown to be false or inaccurate;

- g) Ensure impartiality and independence in covering the facts, through the dissemination of full and accurate electoral information and without showing preference for any list of candidates;
- h) Refuse gifts, favors or special treatment from candidates or their representatives, and refrain from making promises on the contents of media coverage;
- i) Not engage in plagiarism, deliberate distortion of reality, unsubstantiated accusation, use of defamatory, calumnious, or aggressive language, or language inciting to violence or to discrimination against people on the basis of color, race, ethnicity, origin, nationality, gender, sexual orientation, political or religious choice and mental or physical disability;
- j) Differentiate the activity of the candidates from their activities as holders of organs of political power in the exercise of their functions;
- k) Ascribe collected statements to their respective authors;
- l) Respect the private life of people;
- m) Refrain from interfering in electoral operations;
- n) Not collect images and information that compromise the secrecy of the vote;
- o) During counting of votes and tabulation of results, refrain from interfering in the process and only disseminate information provided by STAE, CNE and the STJ for the validation and publication of the electoral results.

CHAPTER II

Final and Transitional Provisions

Article 8

Cancellation of Accreditation

1. In the face of protests and claims against the conduct of a media professional or a media organ that violates rules provided for in the current regulation, CNE will issue up to three recommendations to correct the irregularity committed.
2. If, after the third recommendation referred to in the preceding paragraph, the media professional or a media organ persists in such conduct, CNE, based on a substantiated opinion, may request STAE to cancel and withdraw the accreditation granted.

Article 9

Statement of Commitment

1. A media professional or media organ applying for accreditation to cover the electoral process, in addition to presenting the forms and document provided for in article 3 of the current regulation, shall sign three

copies of a statement of commitment under which they undertake to comply with the provisions contained in the present Code.

2. For the purposes of the preceding paragraph, the first copy of the statement of commitment shall remain with the applicant, the second copy shall be filed at the STAE national headquarters, and the third copy shall be forwarded to CNE.

Article 10

Transitional provision on the Supreme Court of Justice

Until the Supreme Court of Justice has commenced functioning, the powers conferred upon it by this regulation shall be exercised by the Court of Appeal.

Article 11

Revocations

Any provision relating to media professionals covering the presidential and parliamentary elections that is contrary to the contents of the current regulation is hereby revoked.

Article 11

Entry into force

This government decree enters into force on the day following its publication.

Approved by the Council of Ministers on 24 February 2017