

## East Timor: Revise Repressive Media Law <sup>[1]</sup>

### Official Licensing System Threatens Press Freedom

July 16, 2014

(New York) – East Timor's <sup>[2]</sup> president should refuse to sign a new media law <sup>[3]</sup> until parliament revises provisions that will chill free speech, Human Rights Watch said today. The country's foreign donors should publicly express concern at the attempts by the government of East Timor (also known as Timor Leste) to rollback media freedoms.

The Media Act, which parliament passed <sup>[4]</sup> at the government's request on May 6, 2014, raises serious questions about the government's commitment to freedom of expression by unnecessarily extending government control over the media. East Timor's Court of Appeal is reviewing <sup>[5]</sup> the law's constitutionality in response to a July 14 request by President Taur Matan Ruak.

“The media played a crucial role in East Timor's long struggle for independence,” said Phelim Kine <sup>[6]</sup>, deputy Asia director. “The president should tell parliament that a media law that stifles free expression won't get his signature.”

The Media Act explicitly enshrines “Freedom of the Press,” “Freedom of Expression,” and “Prohibition of Censorship.” However, several provisions would permit the government to impose severe constraints on journalists and the media.

The law would create an official Press Council, described as a five-member government-funded “independent administrative entity” with two parliament-appointed members “of recognized integrity and professional merit.” The proposed Press Council would have the power to “grant, renew, suspend and revoke” the credentials of journalists through the imposition of a new licensing system.

The licensing system imposes minimum periods of work internship for prospective journalists of 6 to 18 months depending on their education level. Media organizations would be prohibited from employing any journalists “not duly certified with their [Press Council] credentials.”

The Press Council licensing system would apply equally to domestic and foreign media organizations and their staff, giving the Press Council the power to approve or deny foreign correspondents' access to the country. These requirements would make it impossible for independent journalists

lacking formal journalistic training to work, even though they are an invaluable component of a free press.

The Media Act would also impose ambiguous “functions” and “duties” on journalists that could make them vulnerable to retaliation for reporting that is critical of the government. The law obligates journalists to “promote the national culture,” and to “encourage and support high quality economic policies and services” without providing any specific definition of what those duties or functions entail. Another provision requires journalists to “Promote public interest and democratic order” without providing any explanation of what that obligation entails.

“An official press council, a licensing requirement for journalists, and undefined ‘national culture’ and ‘public interest’ obligations are the hallmark of undemocratic governments that want to repress media freedom,” Kine said. “East Timor shouldn’t go down this road.”

The Media Act is the latest threat to the rights to freedom of expression and access to information in East Timor. The national police commissioner, Longinhos Monteiro, in March 2012 warned [7] that police would arrest journalists who published “inaccurate” news articles. In October 2012, the public prosecutor in Dili, the capital, imposed [7] house arrest on two journalists who had written critically about an investigation of a fatal traffic accident.

Timorese human rights activists have raised serious concerns [8] about the new law’s impact on media freedom in the country. Journalists [9] and activists have criticized [4] the drafting and passage of the Media Act for a lack of transparency and consultation with little or no formal opportunity for the public to comment.

Media freedom is enshrined in international human rights law and is crucial for ensuring respect for other rights. The media play a crucial role in exposing abuses of power, human rights violations, corporate malfeasance, and health and environmental crises, thus helping to ensure that the public is informed, abuses cease, criminals face justice, and victims can seek redress.

The core international human rights instruments place great emphasis on the importance of media freedom, including the Universal Declaration of Human Rights (article 19), and the International Covenant on Civil and Political Rights (ICCPR) (article 19), which East Timor ratified in 2003. Sections 40 and 41 of the Constitution of the Democratic Republic of Timor Leste guarantee [10] the rights to freedom of expression and freedom of the press and mass media.

The United Nations Human Rights Committee, the independent body that monitors compliance with the ICCPR, has stated [11] that, “Journalism is a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere, and general State systems of registration or licensing of journalists are

incompatible” with the full realization of freedom of expression “essential for the promotion and protection of human rights.”

The East Timor parliament should eliminate the Media Act’s requirement of an official Press Council and its requisite licensing of journalists in favor of media self-regulation. The law’s overly broad and vague duties and functions of journalists should also be removed to conform to international free expression standards.

“Journalists, including freelancers, took great risks and made enormous sacrifices while reporting during the darkest days of Indonesia’s occupation of East Timor,” Kine said. “The government should recognize that journalists are an indispensable front line against human rights violations, corruption, and abuses of power. Donors should urge the government not to undermine the media’s crucial role.”

**Source URL:** <http://www.hrw.org/news/2014/07/16/east-timor-revise-repressive-media-law>

**Links:**

[1] <http://www.hrw.org/news/2014/07/16/east-timor-revise-repressive-media-law>

[2] <http://www.hrw.org/asia/east-timor>

[3] <http://www.hrw.org/node/127366>

[4] <http://www.ucanews.com/news/new-law-does-not-bode-well-for-free-media-in-timor-leste/71243>

[5] <http://www.hrw.org/node/127365>

[6] <http://www.hrw.org/bios/phelim-kine>

[7] <http://www.ucanindia.in/news/new-law-does-not-bode-well-for-free-media-in-timor-leste/25294/daily>

[8] [http://laohamutuk.blogspot.co.nz/2014/02/everyone-has-right-to-free-expression.html?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed:+LaoHamutuk+%28La%27o+Hamutuk+blog%29](http://laohamutuk.blogspot.co.nz/2014/02/everyone-has-right-to-free-expression.html?utm_source=feedburner&utm_medium=email&utm_campaign=Feed:+LaoHamutuk+%28La%27o+Hamutuk+blog%29)

[9] <http://www.theaustralian.com.au/news/world/east-timor-passes-tough-laws-to-muzzle-media/story-e6frg6so-1226907912130?nk=cfd85c55973bb14fc1e6bfa9974cb59>

[10] [http://timor-leste.gov.tl/wp-content/uploads/2010/03/Constitution\\_RDTL\\_ENG.pdf](http://timor-leste.gov.tl/wp-content/uploads/2010/03/Constitution_RDTL_ENG.pdf)

[11] <http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>