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ARTICLE 19

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Timor Leste: Analysis of Media Laws

ARTICLE 19 has prepared a Memorandum assessing the compatibility of a set of five draft laws on media regulation and the right to information – prepared on behalf of the UNDP for consideration by the authorities in Timor Leste – with international standards on freedom of expression. A key concern with these draft laws is that they impose a licensing system on journalists, along with a broad set of obligations for individual journalists, breach of which may lead to expulsion from the profession.

ARTICLE 19 recognises that largely good intentions lie behind these draft laws, as well as the value of providing legal protection for such things as the rights of journalists to protect their sources, licensing of community radios and the right to information. At the same time, the set of laws needs to be revised to bring it into line with international standards in this area. Some of our key concerns including the following:

- The independence of the Media Council should be better protected and its powers, particularly in terms of imposing sanctions, should be curtailed.
- The rules on licensing of journalists and on journalists' duties should be removed.
- Certain constraints on media outlets – including the prohibitions on engaging in other commercial activities and the strict limits on foreign investment – should be removed.
- Some of the provisions for community radios – such as the prohibition on developing networks and the rules relating to content – should be removed.
- The regime of exceptions to the right to access information held by public bodies should be reworked, to bring it into line with international standards.
- The proactive publication obligations for public bodies should be significantly expanded.

ARTICLE 19 welcomes in principle the development of laws to put media regulation on a sound footing in Timor Leste and to guarantee the right to information. We call on the authorities and on UNDP to make the necessary changes to these draft laws to bring them into line with international standards. ARTICLE 19 would be happy to assist in this process.

NOTES TO EDITORS:

- The Submission is available at: <http://www.article19.org/pdfs/analysis/timor-lest-draft-laws-regulating-journalists-the-media-and-the-right-to-inf.pdf>
- For more information, please contact Toby Mendel, Senior Legal Counsel, a19law@hfx.eastlink.ca, +1 902 431-3688.
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.
- This analysis was supported by IREX, with funding from ICFJ and USAID. For further information about ICFJ's media assistance program in Timor-Leste and about IREX's media assistance programmes visit: <http://www.icfj.org/easttimor/> and www.irex.org