Quarterly report on press freedom situation in Timor-Leste

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Background

Freedom of expression and freedom of the press is a key element of human rights and is a cornerstone of democracy. Both freedom of expression and freedom of the press are enshrined in the Constitution of the Democratic Republic of Timor-Leste, Article 40 and 41 as a base for sustainable development, which leads to strengthening the country's young democracy, prevention of corruption and good governance.

The 40 and 41 sets out guarantee of press freedom, independence of journalists and the public's rights to credible information. The respect for privacy and good names of others is also set out in the Constitution Articles 67, 68, 76, 77, 417, 418 and is also outlined in the country's Civil Code except it is in public interest.

Apart from this, there have been some unlawful acts and laws that impede freedom of expression and freedom of the press in the country. The Article 285 of Timor-Leste’s Penal Code (slanderous denunciations) has also been a huge threat to the country’s media and journalists as the Government officials and public use this article to take journalists and the media to courts due to their news publication. Discrimination based on ethnicity and religion and other acts of crime are also set out in the Article 189 and 183 of the Penal Code.

The State of Timor-Leste has ratified a number of the International Conventions, which includes Article 19 of the International Convention on Civil and Political Rights (ICCPR) on freedom of the press, freedom of opinion without borders and interventions. Timor-Leste is a new democratic country in southeast Asia where it is internationally recognized through the 2022’s democracy index. Timor-Leste’s press freedom is also highly recognised where Reporters without Border places the country’s press freedom index at 10 in the global ranking and takes the lead in Southeast.
Identification of Problem

The digital era has become a moment for people such as activists and journalists to use their strategy to submit reports in the form of advocacy, campaigns and reporting news on social media. Timor-Leste is still lucky because there is still ample room for giving opinions and of course freedom of the press is still safe.

This year was also an important year for Timor-Leste, because there were legislative or parliamentary elections, where 21 parties competed to get votes from the people, at the end of the election the big party CNRT led by Xanana Gusmao won, and the second is the Fretilin party led by Dr. Mari Alkatiri. This new government has been active since July 2023, and on social media there have been pros and cons expressed by social media citizens, including news reports from independent media, which remains social control, issues that have not been confirmed have been spread that the government, through the Ministry of Social Communication, has discussed the cybercrime law to ask the parliament to discuss and approve it, so that the government and police can control social media for the reason that many people have started trying to post hate speech on social media, swearing at leaders and that is considered unethical and needs to be criminalized. This is a threat going forward because it can have a negative impact on freedom of the press and expression in Timor-Leste, and freedom in the digital space can be threatened.
AJTL implemented the activities and doing advocacy for new government

- Organize Press Conference used all platform to continue socialize the importance of freedom of the press and expression in Timor-Leste, how to respect the role of journalists, and the impact of criminalize the defamation law and cybercrime law for journalists
- TV Talkshow with Timor-Leste Press Council to continue promote the freedom of the press and expression in Timor-Leste

Observation/ Position

- AJTL maintain to approach the decision maker and politician to understand the important of defending freedom of the press and expression in Timor-Leste, is part of promote democracy and human rights
- Timor-Leste should become as an role model of democracy in southeast Asia
- AJTL not will agree the government and Parlament to approve another law that can give negative to our democracy system in Timor-Leste as Cybercrime law and criminalize the defamation law
- AJTL as an umbrella organization of Timorese journalists strongly to defending freedom of the press and makes journalists afraid of doing investigative reporting into any case, which involves the country’s public figures. The referred summon must not be referred to journalists because the news is a journalistic product and it is not an act of crime.

Actions taken by AJTL:

- AJTL is in cooperation with the Press Council of Timor-Leste to continue providing advocacies by socializing the Press Law of the country to the Government officials, ordinary citizens, judicial institutions and security authorities and explaining the role of the media and press freedom in a democratic country like Timor-Leste.
- AJTL will also be in cooperation with the Press Council of Timor-Leste to approach the security authorities and judicial institutions to use the Press Law to resolve and process any case relating to journalistic products, except it is about criminal cases.
- AJTL will continue to hold its so-called program editors club discussion by inviting Government officials, activists, journalists, jurists and also the security authorities in order to discuss the issue of freedom and freedom of expression in Timor-Leste.
Observations:

AJTL observes that the authorities and some other State institutions preferred using power to threaten and restrict freedom of the press and freedom of expression in Timor-Leste and from the numbers of incidents happening shows that the Press Law is unknown to them and they do not understand the role of the media in a democratic country like Timor-Leste. They tried to limit and restrict the media and journalists from uncovering the truth in relation to good governance and human right violations in Timor-Leste.

This situation pushes AJTL to be committed to fighting for freedom of the press and freedom of expression in the country. It will also keep approaching the Government and the politicians in the Parliament not to limit and impede the media and journalists from accessing public information. AJTL will continue to approach the Government and the Parliament to stop drafting any lawsuit that may threaten and criminalize defamation as it is against the country’s Constitution, Article 40 and 41, which are about freedom of the press and freedom of information. Previously, the Ministry of Justice tried to pass a draft of criminalization of defamation law, however it has been pending following waves of protests by AJTL and civil society organizations.