

ATTACHMENT

NATIONAL POLICY ON MASS COMMUNICATION

Opening Statement

The National Policy on Mass Communication (NPMC) contains the actions to be taken by the IV Constitutional Government regarding mass communication, as well as the guiding principles.

In a general manner, the NPMC has six aims:

- The effectiveness of the right to information, which comprises the right to inform and to be informed;
- A free, independent and pluralist mass communication;
- The protection of national cultural identity through mass communication;
- The improvement of journalists, regarding training and traineeship, as well as the implementation of their rights and duties;
- The resizing of Public Broadcasting Service (Rádio e Televisão de Timor-Leste or RTTL), in order to provide a sound public service;
- The support of community radios, closer to isolated populations, by ensuring their sustainability.

In the end, the Government aims to develop independent and impartial mass communication bodies, able to obtain and scatter information around the country, through qualified and ethically responsible professionals, in order to defend national cultural identity and to bring populations together.

The Secretary of State of the Council of Ministers,

Agio Pereira

1. Effectiveness of the right to information

- The right to information comprises the right to inform, to be exercised by journalists and other mass communication professionals, and the right to be informed, to be exercised by the community.

1.1 Right of access to official sources of information

- The right to inform must imply the right of access to official sources of information by journalists, permanent holders of a legitimate interest in such access, in order to ensure the communitarian discussion of public affairs, thus defending the efficiency and impartiality of the Public Administration;
- Therefore, it must be adopted legislation regulating such right of access, which shall be in accordance with the administrative procedure in force.

1.2 Gathering information within district communities

- The right to inform also implies a previous information gathering within district communities, which demands that the Government, through appropriate incentives, stimulates the set up of correspondent networks regarding public and private mass communication bodies;
- Namely, the Government may, within the incentives system to be adopted, support the recruitment of qualified professionals or the acquisition of transportation, as well as make available free telecommunication services, resorting to the services provided by the National Connectivity Project.

1.3 Scatter of information

- Finally, the right to be informed necessarily implies the scatter of information throughout the several districts;
- In terms of press mass communication, the Government and the entire press mass communication bodies must enter into distribution agreements, providing the district community authorities and other popular meeting points with weekly-updated information;

- The supervision of these agreements is assured by the Government, in cooperation with the Non-Governmental Organizations (NGO's) working on this matter;
- Regarding RTTL, its coverage area must be widened;
- From this perspective, transmitters are presently being installed in all districts, financed by the Government and the Portuguese Supporting Institute for Development (Instituto Português de Apoio ao Desenvolvimento or IPAD);
- Also, the Government, within the incentives system to be adopted, may provide radio or television sets to community authorities or other popular meeting points.

2. A free, independent and pluralist mass communication

- Mass communication bodies must be independent from political and economic powers, allowing the comparison of different opinion trends.

2.1 Mass Communication National Council

- The Government supports the legal creation of a Mass Communication National Council (MCNC), which will supervise all mass communication bodies and their agents, ensuring the necessary independence and pluralism;
- The MCNC is not a Government body destined to restrain freedom of press, because it has administrative, financial and patrimonial autonomy, preferably with budget appropriations proceeding from the National Parliament;
- This public entity must regulate the following principles:
 - i) Freedom of press, assuring the right of access to information within a sphere of free creation of newspapers and magazines, subjecting broadcasting mass communication only to a technical license to be issued by the body responsible for radio spectrum management, as determined by the legislation to be adopted in terms of press and broadcasting mass communication;
 - ii) Pluralistic opinion, preventing the merger of mass communication bodies or any hindrance to their editorial freedom by political or economic powers, according to the legislation to be adopted in terms of press and broadcasting mass communication;

- iii) Protection of sensitive audiences, determining the broadcast of certain TV programmes only late evening, so that young people do not watch, in accordance with the legislation to be adopted in terms of television;
 - iv) Effectiveness of rights and duties of journalists, ensuring their impartiality and independence, along with the issuance of professional accreditation after traineeship, as defined by the legislation to be adopted in terms of journalist status and the issuance of professional accreditation;
 - v) Exercise of the rights of reply, of correction, of broadcasting propaganda or of political response to such propaganda, which restrict freedom of expression in order to defend other fundamental rights, such as the right to a good reputation or of intimacy, as well as the right of cross examination, in accordance with the legislation to be adopted in terms of press and broadcasting mass communication;
- The MCNC will be particularly important for journalists, because not only it grants their professional accreditation, but also because it defends the effective exercise of their rights through a right of complaint or appeal, according with the legislation to be adopted that forms this public entity.

2.2 Other mechanisms to ensure freedom, independence and pluralism

- A free, independent and pluralist mass communication implies transparent bodies, that is, which publicize their owners and publish the annual account of the participating undertaking, as defined by the legislation to be adopted in terms of press and broadcasting mass communication;
- A free, independent and pluralist mass communication also implies sustainable bodies, resorting to sound management practices, which can be implemented through Government financed training in all public and private mass communication bodies, according with the incentives system to be adopted and in cooperation with the NGO's working on this matter;
- Finally, a free, independent and pluralist mass communication implies bodies that respect the journalist own opinion on editorial issues, being important to safeguard participation mechanisms in the legislation to be adopted regarding press and broadcasting mass communication

3. The protection of national cultural identity through mass communication

- A mass communication that wishes to promote tolerance and national cohesion must reflect the several cultural events of its people.

3.1 Protection of official languages

- In first place, news mass communication bodies must protect the official languages of Timor-Leste – Tetun and Portuguese¹;
- So, all working journalists must be trained in Tetun (in cooperation with Instituto Nacional de Linguística, through a Memorandum of Understanding with the Government) and in Portuguese (in cooperation with the Portuguese Embassy, through a Memorandum of Understanding with the Government), attending to their special needs;
- The training contents must be defined in the Memorandum of Understanding, with a previous consultation process of the mass communication bodies, performed by the Government;
- Training attendance is subject to a monthly allowance assured by the Government, as foreseen by the incentives system to be adopted, depending the attribution of such allowance from the assiduity of each journalist;
- As final aim, each news mass communication body must be able to divulge original news in Tetun and Portuguese within three years from the beginning of the training sessions, in accordance with the percentages established in the legislation to be adopted regarding press and broadcasting mass communication;
- Until that moment, the contents in Portuguese, in compliance with the established percentages, may be made out by the mass communication body itself, through the recruitment of Portuguese-speaking journalists by means of a Memorandum of Understanding to be entered between the Government and the Portuguese Journalist Union or from any other African Portuguese-speaking Country (Países Africanos de Língua Oficial Portuguesa or PALOP);
- Such Portuguese contents may also be obtained through a third party, in one of the following manners:

¹ The importance of bahasa Indonesia and local dialects amongst the population must be considered, as an information vehicle spread.

- i) Formation of a Timor-Leste News Agency (contents in Tetun, Portuguese and English), annually subsidized by the Government, through a rendering of services contract to be entered between the Government and the Timor-Leste News Agency;
- ii) Promotion of independent audiovisual production in Portuguese, with a partial contribution of purchase costs by the Government, as determined by the incentives system to be adopted;
- iii) Execution of content purchase agreements with Portuguese-speaking mass communication bodies, mediated by the Government.

3.2 Spreading timorese history and culture

- o Each mass communication body must publicize the ethnical-cultural groups of Timor-Leste, as well as protect the recent history of this people, through appropriate contents;
- o The publicity of the ethnical-cultural timorese groups depends on information gathering tactics, described on section 1.2;
- o The protection of the recent history of this people depends on content production or its purchase to third parties, like independent audiovisual producers, being such purchase partially subsidized by the Government, as determined by the incentives system to be adopted.

3.3 Duty copies

- o It must be organised a duty copies system of all written press and of the radio/tv broadcastings with cultural/historic importance, to be kept by a public consultation space, according to the legislation to be adopted on this matter.

4. The improvement of journalists

- o A good journalist is a qualified, impartial, accurate, independent and ethically responsible professional.

4.1 Journalism Training Institute

- o The Government supports the formation of a future Journalism Training Institute (JTI), as a private legal body, through the following steps:

- i) Assignment of facilities, through the execution of a lease contract between the Government and the JTI;
- ii) Concession of annual grants, as determined by the incentives system to be adopted;
- iii) Mediation of Memorandums of Understanding with international entities for the supply of trainers, with the agreement of JTI².

4.2 Traineeship

- Each journalist shall start its career with a paid traineeship, after which it is granted a professional accreditation, in accordance with legislation to be adopted in terms of journalist status and the issuance of professional accreditation;
- During traineeship, the mass communication body must assure that the journalist develops technical and linguistic skills and, most of all, the awareness of the legal and ethical rights and duties of this profession;
- The Government must promote the effectiveness of the traineeship through financial supplements to be given to each mass communication body, with the purpose of rewarding the trainees, as determined by the incentives system to be adopted.

4.3 Rights of journalists

- A journalist must fully exercise the following rights:
 - i) Freedom of expression and creation, having the right to identify/protect any works, according with the legislation to be adopted in terms of journalist status and intellectual property;
 - ii) Right of access to official sources of information, as well as to public events and informative excerpts, in accordance with the legislation to be adopted in terms of access to official documents and journalist status;
 - iii) Protection of independence, including the protection of a conscience clause, as determined by the legislation to be adopted in terms of journalist status;

² It should not be ignored the work already developed by NGO's operating on this field. By the contrary, it should complete the activities done by JTI, particularly attending to the its curricula and to the journalists needs.

- iv) Professional secrecy, being its breach regulated by proceedings defined in the Code of Criminal Procedure;
 - v) Participation at any editorial issues of the mass communication body, being important to safeguard participation mechanisms in the legislation to be adopted regarding press and broadcasting mass communication
- The exercise of these rights by the journalists is assured through the right of complaint or appeal to the MCNC, according with the legislation to be adopted that forms this public entity;
 - Regarding this, the MCNC must stand up for the revision and publication of a Code of Professional Conduct (with referral in the legislation that adopts journalist status), as a self-regulation mechanism to be followed by journalists in their relations with the sources, audiences, mass communication companies and work colleagues;
 - This self-regulation mechanism represents the protection of journalistic reputation and the familiarization of trainee or non-trainee journalists with the main rights and duties of this profession.

4.4 Duties of journalists

- To protect the impartiality and accuracy of journalists, they must be liable whenever they do not fulfil these duties;
- Therefore, each natural or legal person must have the right of reply in case of any statement that affects reputation and of correction when a non veracious statement is produced, being the exercise of such rights regulated by the MDC, as stated by the legislation to be adopted in terms of press and broadcasting mass communication, as well as the one that forms that public entity.

5. The Public Broadcasting Service as a State-owned company

- The transformation of the RTTL to a State-owned company allows its administrative supervision by the Government, aiming to define guidelines in order to render a modern service, with good quality products;
- The administrative supervision by the Government does not restrain the editorial freedom of the RTTL, having the executive directors, who are appointed by the

- iv) Professional secrecy, being its breach regulated by proceedings defined in the Code of Criminal Procedure;
 - v) Participation at any editorial issues of the mass communication body, being important to safeguard participation mechanisms in the legislation to be adopted regarding press and broadcasting mass communication
- The exercise of these rights by the journalists is assured through the right of complaint or appeal to the MCNC, according with the legislation to be adopted that forms this public entity;
 - Regarding this, the MCNC must stand up for the revision and publication of a Code of Professional Conduct (with referral in the legislation that adopts journalist status), as a self-regulation mechanism to be followed by journalists in their relations with the sources, audiences, mass communication companies and work colleagues;
 - This self-regulation mechanism represents the protection of journalistic reputation and the familiarization of trainee or non-trainee journalists with the main rights and duties of this profession.

4.4 Duties of journalists

- To protect the impartiality and accuracy of journalists, they must be liable whenever they do not fulfil these duties;
- Therefore, each natural or legal person must have the right of reply in case of any statement that affects reputation and of correction when a non veracious statement is produced, being the exercise of such rights regulated by the MDC, as stated by the legislation to be adopted in terms of press and broadcasting mass communication, as well as the one that forms that public entity.

5. The Public Broadcasting Service as a State-owned company

- The transformation of the RTTL to a State-owned company allows its administrative supervision by the Government, aiming to define guidelines in order to render a modern service, with good quality products;
- The administrative supervision by the Government does not restrain the editorial freedom of the RTTL, having the executive directors, who are appointed by the

Management Board and whose dismissal must be subject to a prior opinion by the MCNC, exclusive responsibility regarding informative and programming contents, in accordance with the legislation to be adopted that forms this public entity;

- Namely, the Government must assure the fulfillment of the rights and duties of RTTL, determined in the Decree-Law no. 42/2008, of 26 November, particularly attending to the freedom of expression of opinion trends, the accuracy and objectiveness of information, the protection of official languages, the diffusion of Timorese culture and tradition and the development of programmes on civic education and citizenship promotion (without pre-determining specific contents), encouraging international exchange and co-production with Portuguese Speaking countries (Comunidade de Países de Língua Portuguesa or CPLP);
- On the other hand, the Articles of Association of RTTL promote sound management principles, with instruments and under the control of internal bodies (Supervisory Board and Opinion Council) and external bodies (Minister of Finance and Secretary of State of the Council of Ministers), with the purpose of obtaining accuracy and transparency;
- The financial viability of RTTL also depends on the possibility to explore advertisement, to be regulated by Government Decree, so that such exploration does not restrict the editorial freedom of the public body, as well as to safeguard the correct pursuit of its aims and duties.

6. Support of community radios

- The community radios are a distinct reality of this country, vital for information scattering purposes;
- However, they normally depend of voluntary work, without any steady sources of income;
- Generally, their founding NGO's ceased to concern about their fate and the district communities did not assume any supporting role regarding these mass communication bodies;
- Thus, their viability must be temporarily ensured through annual allowances to be granted by the Government, within the incentives system to be adopted;
- Previously, an audit to all community radios must be performed³, in order to:

³ It must be taken into account the work developed by the United Nations Development Program (UNDP) on this field.

- i) Evaluate their necessities/priorities, which must be filled in with the annual allowance granted by Government;
 - ii) In addition, identify and animate alternative sources of income, based within the community, which will support each community radio, after the termination of the annual allowance granting;
-
- Mainly, the necessities/priorities stand on two areas: the acquisition of equipment, in particular with information scattering purposes, and the training of journalists, through a Memorandum of Understanding entered with the JTI or NGO's working on this field;
 - After audit execution, the head officers of each community radio must be trained in sound management practices⁴, as a condition to an efficient management of the Government allowance or even to create alternative sources of income.

⁴ See above note.



REPÚBLICA DEMOCRÁTICA DE TIMOR-LESTE
SECRETARIA DE ESTADO DO CONSELHO DE MINISTROS

Politika Nasionál ba Komunikasaun Sosiál (PNKS)
Survey ba Komunitade Komunikasaun Sosiál

Naran	
Serbisu	
Organizasaun Komunikasaun Sosiál	
Hanoin kona-ba PNKS (Konkorda / La Konkorda)	
Sujestaun ruma ba PNKS	

Dili, _____ 2009

Asinatura: _____