



**NATIONAL PARLIAMENT, RDTL
Office of the President**

Decree No. 10/III

Media Law

Whereas the right to information, freedom of speech and of the press are fundamental for the consolidation of democracy, the Timorese State prepares to strengthen the media sector.

Considering this, the present law, the first of a free and independent Timor-Leste on the defense of the freedom of the press and regulation of the media, defends the right of its citizens to a full exercise of their freedom of thought and expression, ensures the journalistic privilege of media professionals and safeguards their independence.

It is therefore important to determine in law the mechanisms to regulate the exercise of such freedoms, ensuring their efficacy.

The provision of rules on the exercise of the right to information and freedom of expression and the press is also essential, not only to comply with the relevant constitutional requirements laid down by Articles 40 and 41 of the Constitution, but, ultimately to ensure the establishment of a democratic state under rule of law.

This law aims to ensure freedom of the press, promoting the necessary balance between the exercise of this fundamental freedom and other constitutionally protected rights and values.

The eight chapters of this law seek to regulate the exercise of journalistic activity by journalists and media organizations. The systematic structure of the law is described in the Annex to this law.

Fundamentally, it is intended that properly prepared and ethically responsible professionals may objectively and impartially inform the public, stimulating the exercise of active and informed citizenship by the population.

This law creates mechanisms to regulate and resolve conflicts arising from the relationship of the media with citizens and the society.

An independent administrative entity, to be created by Decree-Law and called the Press Council, will ensure compliance with this law, including the rights and duties of journalists, as well as observation of the ethical principles of journalistic activity.

Finally, sanctions are set against any acts that undermine the right to information.

Therefore, the National Parliament, in accordance with Article 95.1 of the Constitution of the Republic, as law, decrees the following:

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Objective**

The objective of this law is to ensure, protect and regulate the exercise of freedom of information, press and media.

**Article 2
Definitions**

For the purposes of this law, the following definitions apply:

- a) "Journalistic activity," activities of research, collection, selection of information; processing and dissemination of information in the form of written text, sound or image to the public through disclosure in the media;
- b) "News agency", media company specializing in broadcasting news for other media outlets;
- c) "Censorship", the forced removal of information meant to be published or broadcast, including the attempt to do so, as well as the imposition of content to the media;
- d) "Journalists' Code of Ethics", a compilation of ethical rules applicable to the profession.
- e) "Media (social communication)". the dissemination of information through written text, sound or image and made available to the public, regardless of the means for its reproduction or dissemination;
- f) "Right of correction", the right of every natural or legal persons to have corrections to incorrect facts about them published or broadcast;
- g) "Right of reply", the right of every natural or legal person to have published or broadcast a response to content containing offensive information to their honor, good name, reputation or image;
- h) "Press", the same as media;
- i) "Journalist", a professional who is primarily engaged in journalism;
- j) "Means of social communication (media outlet)", a vehicle which enables regular disclosure of journalistic activity, in print or electronic form;
- k) "Organization of journalists," a legal person constituted in the form of an association, which brings together media professionals, with different objectives than trade unions;
- l) "Media Organization", a collective, public or private person who is engaged in journalistic activity.

**Article 3
Functions of the media**

1. The media has the following functions:
 - a) Contribute to the formation of public opinion and civic education of citizens;
 - b) Promote democracy;
 - c) Disseminate information and news, as well as to propagate knowledge;
 - d) Promote the national culture, values and identity;
 - e) Promote peace and social stability, harmony and national solidarity;
 - f) Defend peace and solidarity between the peoples of the world.
2. As a partner in development, the media also has the following functions:

- a) Encourage and support high quality economic policies and services;
 - b) Encourage economic agents to implement good practices in the provision of services;
 - c) Conduct public admonition against bad practices in the provision of services;
 - d) Support consumer protection organizations in protecting the interests of their members;
 - e) Enable the access of cultural, economic and other agents to media organizations for the dissemination of their products and services;
3. Functions referred to in the preceding paragraph concerning the actions and omissions of any agents which provide services, public or private, national or foreign, are also applicable to the media organizations themselves.
 4. The State may institute awards in recognition of journalistic work and media actions that excel in fulfilling the functions described in this article.

Article 4 Duties of the media

The duties of the media are:

- a) Verify all the information disclosed, using diverse sources, to ensure the plurality of versions;
- b) Respect human dignity, honor and esteem of people and the rights of others;
- c) Restrain from making discriminatory references to race, religion, gender, sexual preference, illness, political beliefs or social status;
- d) Use ethical and lawful means to obtain news and information;
- e) Ensure the rights of reply and correction;
- f) Do not identify victims of sexual abuse and juvenile offenders;
- g) Promote the public interest and democratic order.

Article 5 Functions of the State in the media sector

1. Essential functions of the State in the media sector are:
 - a) Ensure the existence and functioning of public radio and television services;
 - b) Ensure the free flow of information and free access to informational products;
 - c) Preserve and defend pluralism and competition;
 - d) Supervise compliance with the law and the rules for the exercise of media activity;
 - e) Contribute to the training of media professionals;
 - f) Establish measures to support private media organizations.
2. The public media services can be ensured through a concession contract by public or private media entities, in accordance with the applicable law.

Article 6 State support

The State may grant benefits to media activity through direct or indirect support, in particular by granting tax benefits and subsidizing tariffs, which are to be awarded according to general criteria and objectives to be established by law.

**CHAPTER II
FUNDAMENTAL PRINCIPLES**

**Article 7
Right to information**

The citizens' right to information must be provided with objectivity and impartiality, clearly distinguishing facts from opinions, with respect for a diversity of opinions.

**Article 8
Freedom of the press**

The right of journalists to inform the public shall be exercised on the basis of Constitutional powers, and may not be subject to any interference that threatens the journalists' independence and objectivity, freedom to create, freedom of conscience, their right to seek and receive information, professional secrecy and the right to participate in editorial decisions of the media outlet for which they work, with no constraints on their abiding to the ethical obligations of the profession.

**Article 9
Freedom of expression**

1. All persons have freedom to express and disseminate their ideas through the media.
2. No person shall be harassed for their political, philosophical, religious or other opinions.

**Article 10
Prohibition of censorship**

Freedom of expression is exercised by the media without being subject to any form of censorship, authorization, collateral or prior qualification.

**Article 11
Limits on the freedom of the press**

The freedom of the press is bound only by the limits of the rights to honor, good name, reputation, privacy, the presumption of innocence, justice secrets and state secrets.

**CHAPTER III
JOURNALISTS**

**Article 12
Eligibility to the profession**

Journalists may be citizens of majority age, in the full enjoyment of civil rights and who possess at least a secondary education degree.

**Article 13
Exercise of the profession**

1. The profession of journalist is enabled only by means of its professional license, which is to be issued and have it validity renewed by the Press Council.
2. Government will approve a decree-law to regulate the professional credentials of journalists and journalism interns.
3. Prior to the adoption of the regulation referred to in the preceding paragraph, the Press Council will issue a temporary document.

4. The professional journalist qualifications issued by foreign countries and their holders may apply for registration and issuance of credentials by the Press Council, without the need for prior internship time.
5. No media organization can hire or keep in employment as a journalist someone who is not duly certified with their credentials.

Article 14
Access to the profession

Access to the profession of journalist begins with a mandatory internship, to be completed successfully, in a period of eighteen, twelve and six months, respectively, for those with secondary education, a bachelor's degree in other subjects, and bachelor's degree in the media sector.

Article 15
Registration and credentials for interns

1. Interns must apply for registration and issuance of their credentials.
2. The application form must be submitted together with the following documents:
 - a) A statement of admission as an intern in a media organization, signed by the director, with the identification of the journalist guiding the internship and their professional license number;
 - b) A copy of the intern's identification document;
 - c) A copy of the intern's certificate of academic qualifications.
3. An intern's credential identifies him/her as a trainee journalist and is enough for the practice of journalistic activities.

Article 16
Internship

1. The internship takes place in a media organization and consists in activities to deepen the technical and language knowledge of the interns, with the goal of providing them with knowledge of the legislation applicable to the media, and the legal rights, duties and ethics of the profession of journalism.
2. An intern must be oriented by a journalist with more than five years of experience in the profession who is responsible for directing the internship.
3. Internship must include a theoretical and a practical component.
4. During the internship, the intern should practice at least five of the following journalistic activities and functions:
 - a) Editing, coordinating, choosing titles, integrating, correcting or coordinating material to be disseminated through the media, with or without commentary;
 - b) Review or commentary on media outlets;
 - c) Interview, investigation or written or spoken reports in the media;
 - d) Planning and organizing technical services;
 - e) Research, collection, selection and analysis of events, news, information or opinions and preparing them through text, image or sound for dissemination in the media;
 - f) Revision of original articles and research of data for the preparation of news coverage;
 - g) Organization and maintenance of a journalistic archive and research of its data for the preparation of news;

- h) Distribution of texts, photographs or illustrations of journalistic nature for dissemination purposes;
 - i) Implementation of artistic or technical designs of journalistic character.
5. The media organization must issue a certificate of successful completion of internship, to which are to be annexed the documents proving the practice of journalistic activities referred to above.
 6. Internships end with an examination conducted by the Press Council in which the interns must demonstrate knowledge related to professional ethics, rights and duties of journalists, functions and duties of the media, state functions in the media sector and other relevant issues to the laws applicable to the journalistic activity.
 7. Internship takes place under the rules of principal, permanent, paid employment with at least the national minimum wage.

Article 17 Incompatibilities

1. The profession of journalism cannot be performed concurrently with the following functions:
 - a) Civil servant;
 - b) Office-holder in a authority agency, local government or community leadership;
 - c) Leader of a political party;
 - d) Public relations or advisor for press, communications or images;
 - e) Any activity aimed at promoting goods or services in the form of advertising.
2. The provisions of paragraph a) above shall not apply to civil servants who perform the functions of a journalist for the state's media.
3. While performing the duties specified in paragraph 1, the professional must return his/her credentials to the Press Council, being impeded from performing journalistic activities.
4. The impediment ends when the situation that gave rise to it comes to an end, and the journalist may again exercise his/her functions as a journalist as soon as they are reintegrated into any media organization.
5. Violation of paragraph 1 shall be punished with a fine of \$250 to \$1,000.

Article 18 Freedom of membership

1. Journalists have the right to affiliate with journalist organizations of their choice.
2. Whoever compels or coerces a journalist to join a particular organization by any means, shall be punished with a fine of \$250 to \$500.

Article 19 Rights

1. Journalists have the right to identify with their name any works authored by them or in which they have collaborated.
2. Journalists have a right of access to official sources of information, in accordance with law.
3. Journalists have a right of access to all events open to the public, while performing their functions, as well as those which, although access is restricted, are or could be open to the media in general.
4. Journalists have the right to professional secrecy, and may not be forced to disclose their sources of information, except when so ordered by a court under the criminal procedure law.

5. Journalists cannot be compelled to express or subscribe to opinions or to do work contrary to their conscience or the Code of Ethics of Journalists, and cannot be sanctioned because of this refusal.
6. Journalists cannot be detained, or prevented in any way from performing relevant activity in a place where his presence as a media professional is required.
7. Journalists cannot, in any case, be dispossessed of their professional materials or forced to display collected evidence, except by judicial ruling.
8. Journalists have the right to participate in the affairs of the media organization where they are working, including on the editorial board or similar body, if any, under the respective statutes.

Article 20

Duties

1. It is the duty of the journalist to:
 - a) Contribute to a free and democratic society, fighting any restriction on the freedom of expression, freedom of the press or any other form of restriction on the citizens' right to information;
 - b) Contribute to the development of society by informing citizens in an educational, honest and responsible way, in order to promote the creation of an enlightened public opinion;
 - c) Defend the plurality of opinions, ensuring the expression of different currents of opinion and respecting the citizens' cultural, religious and ethnic diversity;
 - d) Exercise their profession with independence and impartiality, without the influence of other major interests beyond the right of public understanding;
 - e) Always observe the personal rights of citizens, including protecting their honor, dignity and privacy, except when such observance conflicts in an obvious and unequivocal way with the public interest;
 - f) Respect the presumption of innocence of legal defendants until the final judgment of the courts;
 - g) Exercise their activity with respect for ethical principles of the profession, complying with the rules contained in the Code of Ethics of Journalists.
2. Violation of the duties prescribed in the preceding paragraph is an infraction punishable by a fine of \$500 to \$1,500.

Article 21

Code of Ethics

The Code of Ethics of Journalists is approved by the Press Council, listens to journalists, and binds all professionals in the exercise of their activity.

CHAPTER IV

MEDIA ORGANIZATIONS AND OUTLETS

Article 22

Creation of media organizations

1. The role of media organizations is to inform, educate and entertain, contributing to an informed society and a diverse public opinion.
2. Every citizen has the freedom to establish a media organization, in the form of a commercial company created under the law.
3. The State has the right to create public service media under the law.
4. The State and citizens are free to create news agencies for the dissemination of information at national and international level.

Article 23
Nonprofit media

Community, membership, denominational and doctrinal media will be regulated by law.

Article 24
Foreign capital

The participation of foreign natural or legal persons in the ownership of a media organization may not exceed 30% of the share capital of the respective organization.

Article 25
Foreign media organizations

1. Foreign media organizations wishing to distribute content or establish a correspondent in Timor-Leste have to apply for registration of their organization and accreditation of their correspondent with the Press Council.
2. The Press Council shall issue the correspondent a professional certification.

Article 26
Licensing of frequencies

Radio and television media operate only under licensed frequencies, to be allocated by the National Communications Authority, which ensures management of the radio/TV spectrum.

Article 27
Formal requirements

1. Print media shall bring on their first page: the publication title, date or periodicity and respective price; also, on any inside page, the names of the owners, the board members, people with editorial responsibility and the name and address of the registered office of the publisher.
2. Radio or television programs shall mention the identification of the broadcasting media outlet and the authors, as well as the editorial and technical officers.
3. Media have an obligation to preserve a copy of audiovisual materials for at least six months after publication.
4. Violation of the previous paragraphs is an infraction punishable by a fine of \$1,000 to \$2,500.

Article 28
Registration

1. Media organizations and outlets are subject to registration with the Press Council.
2. Registering is an administrative measure and does not constitute an act of prior authorization.
3. The Press Council shall establish the elements to be included in the registration.
4. Registering must be published in the official gazette (*Jornal da República*), by the Press Council.

Article 29
Legal deposit

1. Owners of all publications must submit two copies of every edition, on the day of their distribution, to the National Library and the National Archives.
2. Legal deposit aims to enable the creation of a documentary archive, keeping documents so that they can be consulted by interested parties.

Article 30
Disclosure of owners

1. Companies and media should publicly disclose the identity of their owners or associates, partners or co-workers or the corporation which owns them.
2. Disclosure referred to in the preceding paragraph must be done at the beginning of each calendar year or whenever there are any changes in ownership rights or in the composition of the corporation or its capital.
3. The act of disclosure must be published in the *Jornál da República* and in all media outlets owned by the media organization.
4. Violation of the provisions of this article an infraction punishable by a fine of \$1,000 to \$2,500.

Article 31
Editorial Board

1. Media organizations must have an editorial board.
2. Editorial boards must be headed by an editor-in-chief.
3. The powers of the editorial board include:
 - a) Cooperate with management in carrying out the tasks of editorial guidance within its responsibility;
 - b) Advise on development and changes to the editorial statute;
 - c) Provide advice on the compliance of the writings or advertising images with the editorial policies of the media organizations;
 - d) Provide advice on instances in which journalists have to exercise their right to freedom of conscience, under the law;
 - e) Provide advice on ethical issues or other editorial activities;
 - f) Provide advice on the disciplinary responsibility of journalists, including proceedings on dismissal for cause, within five days from the date on which the process will be delivered.
4. The editorial board is accountable for all internal and external journalistic products.

Article 32
Editorial statute

1. All media must adopt an editorial statute that clearly defines their orientation and objectives and includes a commitment to ensure respect for the ethical principles and professional ethics, as well as the good faith of the readers.
2. The editorial statute must be written by the Director of the media organization and, after the advice of the Editorial Board, be subject to ratification by the owner; afterwards it must be published in the first edition of the publication or included in the first broadcast of the station and sent to the Press Council within ten days.
3. Notwithstanding the preceding paragraph, the editorial statute must be published at the beginning of each calendar year to inform the public of its continued enforcement.
4. Changes to the editorial statute are subject to prior advice by the Editorial Board, and must be reproduced in the first edition or broadcast subsequent to its ratification by the owner of the entity, and must be sent to the Council within ten days.

Article 33
Advertising

1. The dissemination of advertising materials must respect fundamental constitutionally enshrined values, principles and institutions.
2. All word or graphic advertising, in the form of text or images whose inclusion has been paid for, shall be identified by the word "ADVERTISING" ("*PUBLICIDADE*") or the letters "PUB".
3. Insertion of advertising materials in the media cannot undermine its editorial independence.
4. Advertising that express opinions on matters of public interest must include the identity and address of the owner.
5. Violation of the provisions of the preceding paragraphs is an infraction punishable by a fine of \$5,000 to \$25,000.

CHAPTER V
RIGHT OF REPLY AND CORRECTION

Article 34
Applicable conditions

1. The right of reply or correction shall be exercised by the owner or legal representative within thirty days from the date of publication or broadcast of the content which requires response or correction.
2. A right of reply or correction is complied with if, in the meantime, with the consent of the owner or his representative, the media outlet has corrected or clarified the content in question.
3. Texts of reply or correction must be properly identified and sent to the head of the media organization.
4. Texts of reply or correction shall be published or broadcast in the edition following the date of receipt, following the same criteria of visibility outreach as the content that gave rise to it.
5. The inclusion of corrections is mandatory and cannot be refused.
6. The text of reply may be refused if it:
 - a) Exceeds the scope of the references that provoked it;
 - b) Goes beyond the limits of space or time of the content that gave rise to it;
 - c) Contains offensive or uncivil expressions to any of the people or entities involved.
7. Refusal must be justified by the responsible editor of the media organization and must be made known to the complainant on the day following receipt of the text of reply.
8. A refusal to comply with the right of reply without strong reasons constitutes an offense punishable with a fine of \$2,500 to \$10,000 USD.

Article 35
Judicial intervention

1. If the text of reply is not published, the applicant may appeal to the court of first instance to order its publication, within thirty days after being informed of the refusal.
2. The appeal shall be reasoned, clearly stating the reasons for the text of reply, mistakes published, and the rules violated, and shall also be submitted with an annexed copy of the piece that motivated the right of reply, as well as three copies of the reply text, signed and dated.

Article 36
Judicial process

1. The judge may, upon receipt of the appeal, summon the editor-in-chief of the publication within forty-eight hours to respond and justify the reasons for not publishing the answer.
2. Response time is forty-eight hours.
3. The process is decided within eight working days of the submission of the appeal to the court registry.
4. In his or her ruling, the judge may order the defendant to publish a mandatory response in a newspaper of wide circulation and its broadcast in a station of great audience, with all corresponding expenses paid by the defendant.
5. The publication and broadcast referred to in the preceding paragraph shall be made within three days of the final judgment of the court decision.

Article 37
Qualified disobedience

Failure by the editor-in-chief to comply with a court order directing the publication or dissemination of the response constitutes qualified disobedience punishable under the Criminal Code.

CHAPTER VI
FORMS OF LIABILITY

Article 38
Forms of liability

For acts by the press that are detrimental to the interests and values protected by law, the perpetrators are civilly and criminally accountable.

Article 39
Civil Liability

1. The author, the director or his legal substitute and the media company or organization are all to be held accountable for the damage they have caused through publication of text, sound or image in a media organization,
2. The right to compensation for damage caused by media expires if the action is not brought to court within three years from the date on which the publication or broadcast occurred, as provided in Article 432 of the Civil Code.

Article 40
Contraventions

1. Violations of the provisions of this law which do not entail criminal liability, and for which the Press Council has exhausted its mediation mechanisms, will be judged by the Press Council, which will apply the respective fines.
2. Decisions of the Press Council may be appealed to a judicial court of first instance.
3. The allocation of resources collected from the fines referred to in paragraph 1 shall be determined in agreement by the Ministry of Finance and the Ministry that oversees the Media sector.

Article 41
Attacks on the freedom of information

1. Shall be punished with imprisonment up to two years or a fine anyone who:
 - a) Obstructs or disturbs the composition, printing, distribution and free circulation of publications;

- b) Impounds any publications;
 - c) Takes or damages any materials necessary to the exercise of journalistic activity;
 - d) Prevents journalists or press teams from free access to public places;
 - e) Practices any other act that disrupts, impedes, jeopardizes or reduces the ability of others to exercise journalistic activity under this law.
2. A civil servant or agent of the State who commits attacks on the freedom of the press shall be punished with imprisonment up to three years or a fine.
 3. The attempt to commit such attacks is also punishable.
 4. The criminal liability of the offender does not affect the right to compensation for victims, under the applicable law.

CHAPTER VIII PRESS COUNCIL

Article 42 Nature and independence

1. The Press Council is an independent administrative entity and shall exercise its powers and tasks without being subject to any interference or direction from political power.
2. The statute of the Press Council will be established by decree-law.

Article 43 Essential Duties

The Press Council has an essential duty to ensure the professional and ethical conduct of journalists and media operators, as well as ensuring compliance with the conditions to access the profession and to perform journalistic activities.

Article 44 Prerogatives

The prerogatives of the Press Council are:

- a) Promoting freedom of expression and of the press and the independence of the media from any influences of individuals, groups or political and economic interests;
- b) Approve and oversee compliance with the Code of Ethics by all journalists and media;
- c) Exercise disciplinary authority over journalists, under specific regulations to be established by the Press Council to determine the violations, their corresponding sanctions and disciplinary proceedings;
- d) Grant, renew, suspend and revoke the professional credentials of journalists;
- e) Register and publish the registration of media organizations and outlets in the *Jornál da República*;
- f) Maintain a database of active media companies, journalists' organizations and journalists;
- g) Mediate disputes arising from the exercise of journalistic activity, in the relationship between citizens, organizations, government agencies and media organizations;
- h) Provide advice when a Court requires the expert opinion of the Press Council to settle disputes arising from journalistic activities;
- i) Promote dialogue between media operators, society and state agencies;
- j) Support organizations of journalists in the development of the professional, technical and intellectual skills of journalists.

Article 45
Composition

1. The Press Council consists of five members, appointed as follows:
 - a) Two representatives of journalists, elected by them;
 - b) A representative of media organizations, elected by them;
 - c) Two citizens of recognized integrity and professional merit, preferably connected to the media sector, one being in a career in law, appointed by the National Parliament.
2. The members of the Press Council shall elect a President among themselves.

Article 46
Mandate

The mandate of a member of the Press Council lasts for four years, and can be renewed once.

Article 47
Statute of members

1. The office of a member of the Press Council may be carried out concurrently with a professional occupation, and such office is not paid or subsidized, or permanent.
2. Members of the Press Council are entitled to an attendance fee, to be established in its statute.

Article 48
Costs

1. Financial costs of the Press Council will be covered by allocation from the State Budget, without prejudice to its actions for raising its own revenues.
2. The budget allocation must not affect the independence of the Press Council.

Article 49
Reports

The Press Council must present a yearly report of its activities to the National Parliament, which will be subject to assessment and discussion in a plenary session, with the mandatory presence of the President of the Press Council.

CHAPTER VIII
TRANSITIONAL AND FINAL PROVISIONS

Article 50
Prior rights

1. Those who have, by the time this legislation enters into force, been practicing journalistic activities for a time equal to or greater than the required duration of the professional internship corresponding to their academic qualifications shall be recognized as journalists.
2. For the purposes referred to in the preceding paragraph, journalists who have completed less than a secondary education must perform the internship time required for people with those academic qualifications.
3. Journalists referred to in paragraph 1 are exempt from the completion of the internship and entitled to immediate issue of professional credentials, unless they have practiced journalistic activities for less time than the duration of the internship corresponding to their education level, in which case the professional credentials can only be requested and granted after the internship time has been performed.

Article 51
Transitional regime

Media organizations that do not comply with this law, in particular Articles 22, 23, 24, 25, 26, 28, 30, 31 and 32, by the date of entry into force of this law, shall have a period of one year after that date to complete the compliance of their situation with the relevant public authorities.

Article 52
Regulation

The statute of the Press Council will be approved within ninety days of the entry into force of this law.

Article 53
Repeal

Article 11.1(a) of Law no 9/2003 of 15 October on Immigration and Asylum is repealed.

Article 54
Entry into force

This Law shall enter into force thirty days after its publication.

Approved on May 6, 2014.

The President of the National Parliament,



Vicente da Silva Guterres

Enacted on ____ 2014.

To be published.

The President of the Republic,

Taur Matan Ruak

Annex Systematic structure of the Media Act

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