

## **Censorship remains despite press law changes**

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COMMENT We commemorate World Press Freedom Day yet again under the shadow of censorship despite claims by the government of press law reforms.

UN secretary-general Ban Ki-moon in a joint statement with Unesco director-general Irina Bokova highlighted the urgent need to lift this yoke of oppression from us when they said on the occasion of the World Press Freedom Day, "Freedom of expression is one of our most precious rights. It underpins every other freedom and provides a foundation for human dignity."

The amendments to the Printing Presses and Publications Act 1984 (PPPA) two weeks ago do not constitute anything close to a law reform as promised by PM Najib Razak last year. The amendments do not address the critical issues of press freedom at all.

najib pc in parliamnet on altantuya murder case allegations 030708The oppressive instruments of censorship remain largely intact. It's a sleight of hand rushed through Parliament in the early hours of the morning like a thief in the night without discussions, without consensus.

The new PPPA is bad law simply because it lacks both serious deliberation and consultation with the stakeholders - the media owners, media watchers, editors, journalists, readers, advertisers, both the bench and the bar, journalism professors, and regulatory agencies, among others.

Our press law is part of the slew of draconian laws enacted by the departing colonial regime. Under 22 years of Mahathirism, censorship became intolerable.

Even MCA, the senior partner of the ruling coalition wanted such laws scrapped. Just seven months ago its president, Dr Chua Soi Lek, wanted a deadline set for abolishing PPPA rather than merely amending it. His subsequent silence now speaks loudly about his inability to push this reform agenda within the ruling coalition.

Any serious attempt at reforming our press laws requires nothing short of a royal commission of inquiry or at least a select parliamentary committee.

This is important because the press in a participatory democracy serves as the fourth estate in the check and balance system among the legislative, executive, and judiciary.

The PPPA as its name implies is not about press freedom. It's about censorship under its draconian provisions to the extent of granting absolute judicial power to the minister in charge in the implementation and enforcement of it. The minister plays a three-in-one role as law enforcer, prosecutor and judge, and only he can do no wrong.

The recent amendments remove the need for annual press licences and the absolute power of the minister in revoking or imposing arbitrary conditions. This means nothing. Anyone wanting to publish is still required to apply for a licence from the minister who still has the power to revoke it at any time.

Old poison in a new bottle

Censorship is rebranded as old poison in a new bottle. The minister should be embarrassed that he possesses this absolute judicial power in the first place instead of claiming victory for the removal of such a stone-age provision.

Any serious effort at press law reform must begin by embracing Article 19 of the Universal Declaration on

Human Rights (UDHR) that guarantees the right to freedom of expression in the following terms:

"Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

The UDHR, as a UN General Assembly resolution, is not directly binding on member states.

press freedom day 280405 press tag adHowever, parts of it, including Article 19, are widely regarded as having acquired legal force as customary international law since its adoption in 1948. Malaysia has no other option than to uphold press freedom.

There is no constitutional guarantee of press freedom in Malaysia. It enjoys only a derived or implied freedom from Part 2 of the federal constitution on fundamental liberties under Article 10 regarding freedom of speech, assembly and association.

It's about time we amend the federal constitution to guarantee press freedom as a fundamental liberty.

Even a smaller nation like the Democratic Republic of East Timor (Leste) guarantees such freedom.

Among other things, Section 40 of its constitution states: "The exercise of freedom of speech and information shall not be limited by any sort of censorship." Section 41 further states: "Freedom of the press and other mass media is guaranteed."

The next thing we must do is to totally repeal the PPAA and replace it with two new laws - Freedom of the Press Act and Freedom of Information Act - both to be overseen by the Information Ministry and not the Home Ministry.

There should be no requirement to apply for a publishing permit and there should be reasonable access to official information and court documents.

All classified information must be de-classified say, after 25 years, unless there are compelling reasons not to. Imagine how much more well-informed we would be about the hitherto undisclosed deliberations over both the Merdeka and Malaysia Constitutions, May 13, and the NEP. Perhaps if we knew better, there would be no May 13 or the need for 'Ketuanan Melayu' or Perkasa.

M'sia left behind by its neighbours

Press law reform is possible. All it takes is political courage and will. Look at Indonesia. It was only yesterday that the press there is totally censored by the Suharto regime and journalists must be licensed by the Persatuan Wartawan Indonesia before any publisher can hire them.

NONEToday, Indonesia has one of the most open press in the region, if not the world. This may well explain why after the demise of the Suharto regime, the Indonesian economy has picked together with increased foreign direct investment (FDI) inflows following liberalisation of the press in 1999 and other institutions.

The Indonesian press law provides for protection for press freedom at several places there shall be no prior censorship or licensing for either the print or broadcast media. The press has the right to seek, acquire and disseminate ideas and information.

Significantly, breach of these provisions is a crime, punishable by up to two years' imprisonment or a fine of up to 500,000,000 rupiah (RM160,000).

We do not have to wait for the demise of another totalitarian regime to reform our press law. Just bury the obnoxious publications and printing law together with its instruments of censorship.

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