



# Free Expression

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A NEWSLETTER OF FREEDOM FORUM

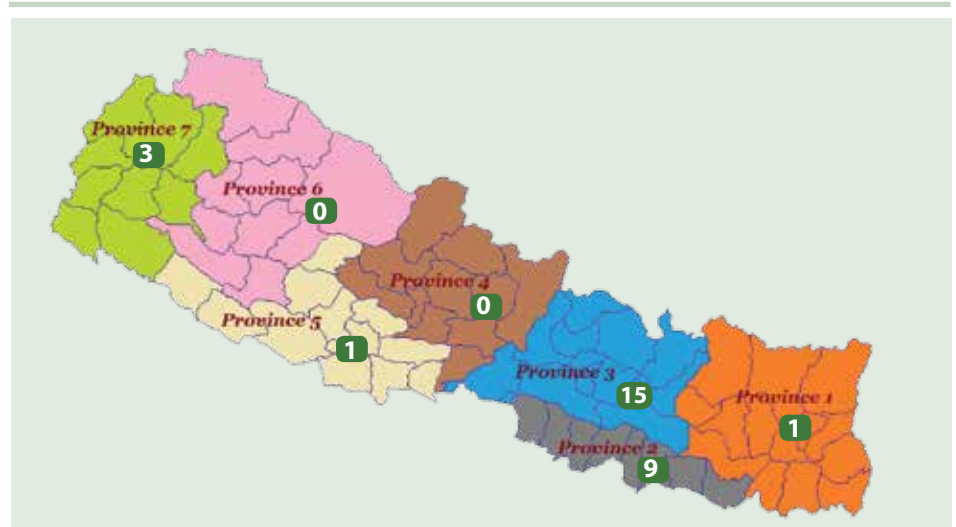
## Anti-Press Incidents Decline; Policy Environment Still Regressive

This year (2016 May to 2017 April), the country saw relatively improved atmosphere for press freedom resulting in significant decline on number of intimidation against media/media persons, thanks to less number of political agitations. As in the previous years, those to fuel intimidation- attack, death threats, threat, manhandle, vandalism- are the local level political leaders and cadres and the security employees. With the internet-based media growing gradually, they are likely to be targeted more in the days to come. Similarly, though State agency seems active to introduce new policy and directive to bring reform in the media sectors in line with the changed system, the un-accommodative nature of State actors needs change to improve press freedom.

Freedom Forum recorded a total of 29 incidents of press freedom violations which affected 80 media persons across the country in the monitoring time of 2016 May to 2017 April. Compared to the last year, it is the improvement, for 59 cases of violations were recorded last year, in which more 100 journalists were affected. This year, there were 12 cases of attack/manhandle, which is followed by death threats, 6; and brief arrest, 5

- Among all, Province No 3 having the capital city Kathmandu recorded highest number of violations (15), where Kathmandu Valley itself witnessed 13 incidents. Province No 3 is followed by Province No 2 with the violations numbering 9. It means the more the media concentration, the more the press freedom violations.
- This year, 4 cases were found related to Internet-based media, which includes online

### Which province, how many violations?



news portal blockade and journalists' issued threats through social media (Facebook).

- A total of 6 cases of violations occurred while journalists were covering protests carried out by the political cadres or their youth wings.
- Moreover, 9 out of the total cases recorded were caused due to the security and government bodies' hostility to media persons while, while political cadres involved in 4 violations.

### Policy watch

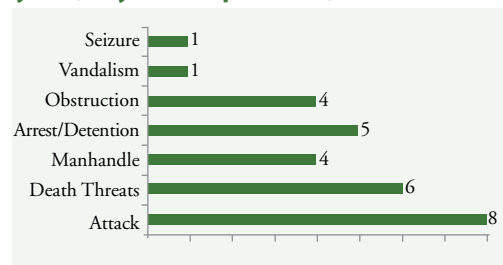
**National Mass Communication Policy:** The government approved the new National Mass Communications Policy-2016 on July 22. The meeting of the Council of Ministers approved the Policy -2016. The

It was a positive step that the government brought the new policy on media at a time when the country has ushered in the changed political and constitutional set ups.

However, the points as **negative restrictions, no mention of foreign investment in Nepali media, failure to link policy with the citizen and social accountability of the policy, baseless allocation of radio frequency**, non-accommodative nature of the policy as not mentioning well about film, editorial independence, relations between publisher and reporter in a print media, little mention of social media, need of registering internet-based media, are issues of concern.

*Continued on Page 13*

### Press Freedom Violations during a year (May 2016-April 2017)



## Message from Executive Chief Civic-Government Trust to Achieve SDGs

State restructuring is one of the phenomenal changes ensured by the new constitution in Nepal. The new constitution has also provided the three-tier of government. However, the forms of these governments are yet to be functional. The local government is the foundation of the government. As many as 744 local levels have been determined by the government to suit the changed system of governance- the federal set up. It is not however the final, for it can be increased. Despite this, Nepal has recently conducted the elections in 600 local levels. The local level election has not only devolved the authority, long concentrated at the central level, but also empowered people, providing opportunity to exercise their sovereign rights. It also created euphoria among the public igniting hope of change- the change to foster local democracy that helps propel the development activities with their participation. The local democracy would be further strengthened across the country as the government has planned to hold the local level election in the remaining Province No 2 by coming mid September. Once the election is held successfully in Province No 2, the formation of foundational government- the local government- would be complete.

As per the constitutional provision, the country is mandated to hold the two more elections for the provincial and federal (central) parliaments by the end of January 2018. But, here is the problem- the dispute among the political parties on provincial borders. The election for the provincial parliaments should be held by settling the dispute. Another challenge is the determination of constituency. Once the constituency is determined, it paves way to fix the number of representatives in the provincial assembly. Some of the political parties centered on southern plains are still adamant on focusing more on populations than on geography rather than taking these two as equal factors to elect representatives. Similarly, another task pending before the political parties is to determine 165 constituencies for the parliament and federal assembly as mentioned by the constitution. If the political leaderships prepare the atmosphere conducive to election by forgoing agreements on the above mentioned issues, Nepal is likely to enter into the new structure by the first quarter of 2018. And it would be the first step towards the exercise of federal democratic republic. The prolonged political transition is however not only obstructing the country to gain the pace as per the expectation but also keeping people aside from enjoying the benefits of the rights ensured by the constitution. In order for the open, transparent and accountable democratic system to advance with positive change in people's lives, the democratic functionaries must be equipped with rights. The major concern facing us at present



is and must be to develop the State mechanisms to suit the democratic values which would help found democratic culture and behaviours.

At a time when the country is undergoing the inclusive and democratic nation building process, we believe that the issues we're engrossed, and campaigning for hold significant importance. Once the foundation of the freedom of expression and opinion are made robust, it would ensure the atmosphere conducive to the political and civil liberties in future. We further do believe that it would create informed citizenry and accountable governance to materialize the dream of socioeconomic changes and prosperity.

The first and foremost interest and concern of Freedom Forum is to see the improved press freedom, continuous watchdog role of media with credibility and professionalism intact, easy and unobstructed access of people to information, free flow of people's views irrespective of community and the region, and the vibrant and safe atmosphere for free reporting. Accountable media makes vital base and human resources for building inclusive and prosperous Nepal. FF has concentrated its attention for this very agenda. We are firm that FF's active and engagement in these issues contributes significantly to the protection of freedom of expression and media fraternity. Since the inception of the FF, we are untiringly working for free flow of information which advocates for open and transparent culture to bring meaningful change in people's lives. This campaign is after all aimed at making Nepal able to achieve the sustainable development goals. In order to achieve this, we wish high level of understanding, trust and cooperation between the civic and government level, so that Nepal could transform into a prosperous nation. 🌱

**Taranath Dahal**

## IFEX AGM & Strategic Conference

This year the IFEX network marked 25 years in the defense of freedom of expression and information. Members from around the globe met in Montreal for the 2017 IFEX Strategy Conference held from in Montreal, Canada from June 12 to 15.

During the conference, myriad of issues relating to the FoE and information were raised, discussed and deliberated by the participating members.

The participants were worried over the year rife with regimes inciting hatred and intolerance, with media and even the concept of truth attacked, devalued and undermined. And, at a time when so many rights are tied to internet access, shut-downs are on the rise. Is this the new normal, they wondered.

Similarly, the IFEX update puts its: under the guise of 'populism', authoritarian regimes are inciting hatred and xenophobia, posing a direct threat to freedom of expression and human rights in general. Media are being devalued and undermined. Attacks on journalists' safety and reputations are diminishing the public's right to be informed. 'Alternative facts' are served up by social media and by governments, obstructing access to the credible information citizens need to engage meaningfully in their communities. And, at a time when so many free expression rights are tied to internet access, shut-downs are on the rise. Such were the issues discussed vigorously during the conference.

Timothy Garton Ash, author of *Free Speech: 10 Principles for a Connected World*, shared his framework for free expression rights.

Similarly, individual stories and experiences were shared by the FoE practitioners and leaders from different countries.

The IFEX network now includes 119 non-governmental organisations committed to the defense of freedom of expression and information, based in 70 countries.

As a member of the IFEX, Executive Chief of the Freedom Forum, Mr Taranath Dahal attended the conference and shared his views about Nepal's situation of FoE and information.

*Continued on Page 6*

# Press Freedom Violations

## Obstructions

**A. Reporters denied entry:** Journalists from different media houses were barred from entering the vote counting places thereby hindering the factual reporting on the ongoing vote count of the second phase of local election in Bhojpur on June 29, a day after the voting.

During a telephonic conversation with Freedom Forum, Kantipur television reporter from Bhojpur, Kiran Rai, said, "When we (a reporter each from Kantipur daily, Nagarik daily, Annapurna Post daily, Naya Patrika daily and Ujyalo online) went to collect news on the vote count of local elections from the office of the Chief Election Officer, Bhojpur, we were not allowed to enter the counting area. The security persons did not allow us to enter there."

Moreover, Chief District Officer Gomadevi Chemjong told the reporters not to enter the counting room and nor they could take any photos because, she argued, the administration was asked to do so from the top officials.

**B. News portal asked to wipe out public poll:** Freedom Forum has been alarmed over the intimidation on a news portal to remove the public poll.

A noted news portal run from the capital city- [www.setopati.com](http://www.setopati.com) -was asked by the Election Commission to remove the public poll, arguing that it would affect the election code.

Chief Editor at [setopati.com](http://setopati.com), Ameet Dhakal, confirmed that his media house had received the letter from the Election Commission on May 6.

Nepal is holding the local level election first time after 20 years. The first phase of the local election is scheduled for May 14 while the second phase on June 14. Freedom Forum welcomes this democratic exercise in a long gap. 🌱

## Photojournalists mistreated, threatened of attack

**A** team of photojournalists namely, Ratna Krishna Shrestha and Ramesh Giri with the National News Agency (RSS), Leela

## Women journalists issued death threat over Facebook; accused one apologizes after FIR registered

Freedom Forum's stringer for Province 4 Rajan Upadhyay reported that a person named Basant Karki issued death threat to female journalists reporting on vote counting of local level poll held on 14 May through social media in Pokhara on 23 May. Pokhara lies in Province 4 and is situated in the western region of Nepal. Karki, an inhabitant of Kaski district is currently abroad.

On his Facebook status, Karki had written, "Those mafia journalists' posts about election update should be checked. Saying oneself a journalist; carrying ID cards and wearing spectacles and sari do not prove them being media persons. So, be aware, otherwise, fate of journalist Uma Singh may repeat."

Responding to the status, Sushma Paudel, a reporter with a local newspaper Adarsha Samaj, published from Pokhara registered an FIR against Karki on 24 May at the District Police Office, Kaski. Karki then, immediately deleted his status.

According to Stringer Upadhyay, the man issuing death threat over Facebook not only deleted his post but also apologized with journalists, making phone calls after an FIR was filed against him. The media persons are now planning to discuss whether they would withdraw FIR tomorrow, said stringer Upadhyay, quoting reporter Paudel. 🌱

Shrestha from Kantipur daily, Sudip Kumar Poudel from Medianp news, Nabin Adhikari from Onlinekhabar news portal and Barsha Shah from the currentnewsnepal news portal were manhandled by the locals while collecting news about the diversion of Hanumante River flowing through Madhyapur Thimi municipality-3 and Suryabinayak municipality 3 on 10 June. Madhyapur Thimi is in the Kathmandu Valley.

A group of local people manhandled the photojournalists while they were taking photographs of the local people's efforts to change the course of the River.

During a conversation with Freedom Forum, journalist Ratna Shrestha said, "While we were capturing the pictures of river diversion, a group approached us, manhandled and spoke foul words. They even asked who we were and threatened us saying, if the news story was published then they would be responsible for the further circumstances."

## MoIC shows concern

*Meanwhile for the first time, Ministry of Information and Communications was found condemning the anti-press incident, issuing a press release after the photographers were mistreated. The incident might have drawn the attention of Ministry for it was occurred in the Kathmandu Valley and photos of the river diversion were carried by many newspapers and online portals. Anyway, it is laudable that Ministry showed concern over the mistreatment and threat of attack on journalists.* 🌱

## Attacks

**A.** A journalist with the Radio Karnali Awaz, Arjun Bohasra, was attacked by a group of teachers in the night of June 8. Radio Karnali is broadcasted from Humla which lies in Province 6 of Nepal.

Talking to Freedom Forum's stringer in Province No 6, Laxmi Bhandari, reporter Bohara describes the incident as, "It was 9:55pm. I was ready to close the office after the airing hour was over. All of a sudden, a group of five school teachers barged into the office and began vandalizing the assets in the technical room. The drunken teachers not only smashed computer, laptop and printer, but also beat me."

He added that Netra Bahadur Shahi, teacher at a local Man Sarobar Secondary School, hit him on the head with an iron rod causing injury. However, he escaped the major injury in the attack.

The Karnali Awaj further informed that Shahi's team included Paljor Lama, Resham Raj Rokaya, Nara Bohara and Hira Bohara.

Journalist Bohara argued that he might be attacked because of the news the FM radio aired on the irregularities in the construction activities. However, the attackers, as he said, were blaming the FM radio of not paying the teachers running an educational program for students focused on exam preparation in the radio. 🌱

# Detainments

**A. Detainment over news:** The District Police Office (DPO) Kanchanpur arrested journalists in the district- Khem Bhandari and Ganesh Dutta Bhatta-on June 17 merely for publishing news, said Freedom Forum's stringer in Province No 7, Mr DR Pant.

Bhandari is the publisher and editor of the Bhimduttanagar-based Manaskhanda daily while Bhatta, the executive editor.

Police had arrested publisher and editor Bhandari at 12:00 noon and executive editor Bhatta at 3:00 pm on June 17, while both of them were released at 6:00pm on June 18.

Stringer Mr Pant added that police arrested Bhandari and Pant for the investigation under Some Public Offence and Punishment Act.

A complaint was lodged at the District Police Office by the family of Puja Nath and Kanchan Nath of Shuklaphanta municipality, seeking action against journalist Bhandari and Bhatta.

Later, with mounting concern from the media fraternity and organizations as Freedom Forum, editors duo Bhandari and Bhatta were released from the detention of District Police Office, Dhangadi, on Sunday (June 18) evening.

Some days back, the daily had published the news about the arrest of two ladies Puja and Kanchan, stating that they were detained by the police for creating commotion in public and they were to be tried under the Public Offence Act.

Talking to FF after the release, editor Bhandari said that Police released them, saying they did not find any proof to sue them under Some Public Offence Act, as they had claimed of over the news publication.

The arrest of Bhandari and Bhatta had agitated and affected 32 journalists (seven at Manaskhanda and 25 in the district).

Due to the arrest, the daily newspaper printed 3,500 copies a day, could not be published for two days.

Khemraj Nath, the father of Kanchan had filed the complaint against the daily for 'hurting' social life of his daughter and sister with the publication of the news about their arrest.

Bhandari is the former chair of Minimum Wages Fixation Committee.

Freedom Forum vehemently condemned the arrest of the journalists merely for writing news. The police arrested the journalists as if they were criminals. If anyone had the complaints about news, he/she could complain it at Press Council Nepal.

Similarly, the invocation of the Some Public Offence Act by the police in this case was the gross misuse of the authority.

Earlier, FF had strongly urged Nepal Police to immediately release the journalists unconditionally. Even the FF's media mission collected information which was similar to the previous monitoring reporting.

**B. Detainment without apparent reason:** The District Police Office, Gorkha, kept Bikash Bhattarai, a reporter with Janata TV from Gorkha district, in detention for ten days. He was arrested by the police, reasoning the 'high level order to arrest the cadres of the Biplav-led Maoist party.'

When Freedom Forum inquired the District Police Office, Gorkha, the Chief of the Police, informed that Bhattarai was detained because he was a the district committee member of the Biplav-led party. "The order from the 'high level' was that anyone belonging to the

Biplav-led party should be detained for they were disrupting the election," he informed.

The government has kept the Biplav-led party's leaders and cadres under close observation, for the party has involved in the anti-election campaign.

Journalist Bhattarai was arrested from a place near the vote counting.

Nepal conducted the first round of local level election in 34 out of 75 districts on May 14.

However, a reporter with the National News Agency (RSS) from Gorkha, Prasanna Pokharel, informed Freedom Forum that Bhattarai was arrested while he was reporting about vote counting.

He further said reporter Bhattarai was not involved in the political affairs but reporting on vote count.

Meanwhile, in a separate incident, police took under control Tilak Adhikari, reporter with local JanataJindabad weekly published from Makwanpur on May 11. Makwanpur lies on the province 3 of Nepal.

Talking to Freedom Forum, reporter Adhikari shared, "At 2:00 pm, while I was preparing my news story at office, some 12-15 police persons in plain clothes approached me and said Police Inspector had called me to their office. I denied saying without any reason I won't go but they insisted and took me. Reaching the District Police Office, I asked Superintendent of Police (SP) why they had arrested me without warrant."

He further said that Police had arrested him over news stories published on local level election. Meanwhile, Chief District Officer did not know anything about arrest. At 4:00 pm, he was released from Police office.

Later, the same day, police persons reached his home at Makwanpur and tried to open the door lock forcefully. 🐦

**B. Freedom Forum's stringer for Province 2,** Ajay Shah, reported that Anup Tiwari, reporter with Radio Birgunj and Mountain TV was attacked by a gang on 5 June while he was having dinner with his friends at a hotel in Birgunj, a city in the southern plain of Nepal.

Stringer Shah quoted reporter Tiwari as saying, "While I was taking dinner with my friends, a group of 7 to 8 persons come on motorcycles barged into the hotel. Three of them approached me and accused me of involvement in anti-Madhesh activity by writing news against

Madhesi community. They, then, spilled petroleum product on my face and body."

Stringer Shah added that among the assailants, reporter Tiwari managed to identify three persons as Sujit Giri, Ejaj Babu Raki and Krishna Chaurasiya.



## Police persons manhandle female reporter

Reporter with the lightnepal news portal, Rupani GM, was manhandled while reporting about the death of a student at Nepal Police School, Samakhushi, in the capital city on 26 April. Police persons seized her camera and switched it off, barring her from taking video.

Talking to Freedom Forum, reporter GM said, "When Police was making public an investigation report on Kundan Thapa's death, I had been there to update whether school's administration had responded to his family's protest and provided them compensation. But while I was waiting to meet the Principal at the waiting room, I found that Kundan's family was barred from entering into the school. I started visualizing the forceful obstruction to the entry of Thapa's family. Then, the police persons seized my camera, and manhandled me, asking to stop visualizing."

Even though I introduced myself as journalist, they did not stop. Rather, they asked me who gave me permission to report inside the school, she added.

Citing Tiwari, Shah added, "Some days ago, Sujit Giri had threatened him through Facebook with abusive words for reporting against Madhesi community."

Tiwari has lodged a complaint on 6 June in the nearby police station, Parsa, informing about the incident.

**C.** A reporter working for the dudhau-likhabar news portal, Rabindra Bhattra, from Sindhuli district was attacked by a police person while reporting about counting of votes at Dudhau Muncipality. Sindhuli lies in Province 3 of Nepal.

During a telephonic conversation with Freedom Forum, reporter Bhattra explained, "On 15 May, around 4:00 pm, while I was at Dudhau Muncipality reporting live for the news portal the police person kicked me. My mobile set dropped and was damaged. I even got minor injury on my hand".

He, however, was able to protect his camera, added reporter Bhattra. 🌿

## Death Threats

**A.** Nagarik daily's reporter, Shivahari Ghimire, was issued death threat by the President of Saraswati Community Forest Conservation Committee on May 3, the World Press Freedom Day, over a news story on massive illegal deforestation in Lalitpur. The story was published on 1 May in the Nagarik daily. Lalitpur is the district located in the southern belt of the Kathmandu Valley.

Talking to Freedom Forum, reporter Ghimire shared, "After two days of news publication on illegal deforestation, President of Community Forest Preservation Committee, Raj Kumar Shrestha, and Lalitpur Forest Officer, Prem Chanda Shah, threatening me over phone."

"On May 6 as well, they called me on my mobile and said, "Either I should apologize for writing news against them or they won't spare me when I walk in Lalitpur area", he added.

Reporter Ghimire confirmed that the news was based on fact and investigation. But the Forest Office, Lalitpur, seems to be under pressure with this news and that's why, they are denying the facts and trying to escape the news story in any means possible.

A complaint has been lodged at the Metropolitan Police Office, Kathmandu, informing about the threat.

**B.** Balram Baniya, a senior journalist with the Kantipur daily, received flurry of death threats on Facebook over his news.

On May 8, Baniya had published an analytical news story on his byline about government's decision of purchasing LED bulbs to address the load shedding.

In the news, he had argued that the government was planning to purchase bulbs on exorbitant price, and by bypassing the Public Procurement Act.

After the publication of the news, he received numerous threats of attack and of death especially from the social networking sites as Facebook and Twitter.

Posting Baniya's photo on Facebook, a person said, "If anyone finds this person, please finish him off."

After the newspaper published the follow up story carrying the byline of Baniya and his colleague Krishna Acharya later on May 12, both got threats over the Facebook and Twitter.

**C.** Film journalist, Manish Dahal, was issued death threat by a person named Suresh Shrestha from Nepalgunj on May 6, over a news story where he wrote about a film, 'Premgeet'. He wrote the analytical story. The story was published on the Filmy Khabar news portal.

On a telephonic conversation with Freedom Forum, journalist Dahal shared, "Within hours of news publication on film song, an unknown person named, Suresh Shrestha from Nepalgunj threatened me over phone."

"Over the phone, Shrestha said either I should delete the news story or face the attack and death", added Dahal.

Journalist Dahal confirmed that the person, Suresh Shrestha, might have been used by some other person to issue the threat. He had even recorded the conversation between them.

A complaint has been lodged at the Police Station, Teku, informing about the threat. 🌿

## Contempt of court case against a daily

**A** contempt of court case was filed against Nepal's vernacular Kantipur daily on May 2, the eve the World Press Freedom Day, over the news it published.

The news was published on April 24 about the lack of information on the educational attainment of the senior most Justice Gopal Parajuli in the judicial body.

The case was filed by advocate Santosh Bhandari at the apex court. With the suspension of the Chief Justice Sushila Karki, senior most justice Gopal Parajuli had become the Acting Chief Justice then.

In the application, advocate Bhandari stated that such misleading news over the Justice defamed the court and Justice.

# Provincial Network for FoE Monitoring

Freedom Forum organized an orientation program on "Monitoring of Freedom of Expression Issues" for seven media persons selected from each Province across the country.

In the program organized in Kathmandu on May 21, Freedom Forum Executive Chief, Taranath Dahal, made an intense presentation on FoE, its concept, philosophies and principles. He focused on the FoE principle which has its base on seeking, receiving and imparting information. Also, he mentioned that protection of FoE was needed for human dignity, democratic participation, discovering truth and promoting tolerance. He basically emphasized on state's role on protection of FoE as well as on maintaining favorable environment to lessen the anti press incidents.

Also Media Monitoring Officer Narayan Ghimire discussed how each selected media persons from different provinces could coordinate with Freedom Forum and bring the stories of FoE violations in an evidence-based and comprehensive manner. He provided tips to the stringers on identifying FoE issues.

Participants had questions regarding how they would identify the cases of FoE violation and differentiate them from other cases of intimidations. Facilitators made them clearer about the issue.

The orientation organized under the SEFAS (Support to Enabled Environment for Free, Accountable, and Sustainable Media in Nepal)-No News Is Bad News project was attended by Bikram Niraula (Biratnagar, Province No-1), Ajay Shah (Janakpur, Province No 2), Ashok Dahal (Kathmandu, Province No 3), Rajan Upadhyay (Tanahu, Province No 4), Sudeep



*Provincial monitors attending FoE orientation in Kathmandu.*

Gautam (Dang, Province No 5), Laxmi Gautam (Surkhet, Province No 6), and DR Pant (Dhangadhi, Province No 7).

In the orientation, Mr DR Pant, Mr Bikram Niraula, and Mr Sudeep Gautam shared their plight in a sense that they, as the senior journalists, faced such moment that made them difficult to differentiate the case of general violence and FoE violation.

MR Pant said, "As they were mostly working for the media sector, it was natural for them to focus only on the media. In my own case, I did not observe other issues of freedom of expression. FoE is really broader than the media freedom. Now this orientation has made me more than a journalist- an activist as well.

Similarly, Ms Laxmi Bhandari seconded Mr Panta saying, "I too was thinking of focusing on press freedom violation. Now, I observe closely on other issues of FoE in addition to the press freedom."

During the orientation, the stringers were asked to be studious on the legal provisions and policies relating to FoE, so that their knowledge would be broader. Also, they were made aware on how political, socio-economic and legal environment would affect the entire FoE atmosphere.

Media Monitoring Officer Mr Ghimire reiterated, "Although the job is not regular, the stringers need to be very prompt in case of FoE violation. Constant watch on entire FoE landscape is must."

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## New IFEX Council

**IFEX Council members for 2017-2019 are:**

IFEX Convenor: Roula Mikhael – Maharat Foundation, Lebanon

Deputy IFEX Convenor: Owais Aslam Ali – Pakistan Press Foundation (PPF), Pakistan

Gilbert Sendugwa, Africa Freedom of Information Centre (AFIC), Uganda

Ioana Avadani – Centre for Independent Journalism – Romania (CIJ-Romania)

Jillian York – Electronic Frontier Foundation (EFF)

Jodie Ginsberg – Index on Censorship

Omar Rábago Vital – Centro Nacional de Comunicacion Social (CENCOS), Mexico

Nedal Al Salman, Bahrain Center for Human Rights (BCHR), Bahrain

Karin D. Karlekar - Pen American Centre, United States

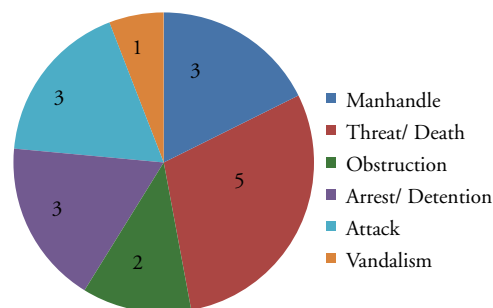
Bulbul Ahsan - MediaWatch, Bangladesh

Berna Akkizal, Initiative for Freedom of Expression, Turkey

Pedro Vaca, La Fundación para la Libertad de Prensa (FLIP), Colombia

Paula Martins, ARTICLE 19

## Press Freedom Violation Cases from (April 2017-June 2017)



# Constraints abound behind few women in media

Freedom Forum organized an interface meeting on women's presence in Nepali media on June 9 in the capital city.

Two monitoring reports on gender contents in the selected news media from October 2016 to March 2017 were also presented in the program held under the SEFAS (Support to Enabled Environment for Free, Accountable, and Sustainable Media in Nepal)-No News Is Bad News project funded by Free Press Unlimited.

The reports based on monitoring of the contents of nine leading national dailies for bylines and news sources revealed that among the total news sources, 91% were males and only 9% were females.

Sharing his views at the program, Chairman of Nepal Bar Association, Sher Bahadur KC, said that though constitution has guaranteed equal rights; it is yet to be seen in practice. He also shared the similar problem that the legal sector also faces in case of maintaining gender equality. He urged the State to bring more friendly policies that attract and retain women to Nepali media, so that the advocacy of change becomes more vibrant. "More number of women in media would not only boost their professionalism, but also encourage other sectors to bring women on board," he underscored.

Anita Bindu, Vice-Chair of Federation of Nepali Journalists (FNJ) stressed that the media houses needed to take active lead in realization of gender parity. She said in Nepali media the dominating theme was political issues and the men still dominated the news stories in the topics from politics to economic. Even in the political and other social stories, inclusion of women's quotes should be given priority.

According to her, the structure of political party, ministries is so faulty that females are not given the role of Spokesperson except in few cases; even Ministry of Women, children and social welfare has Male spokesperson, she shared.

She pointed out the need of secure and gender-friendly newsrooms to attain gender equality.

Taranath Dahal, Executive Chief at FF said the report was to sensitize the Nepali media to make them gender inclusive and make their newsrooms gender balanced. Firstly, the reports were shared among editors of each media and then disseminated among public to present the status of women in media. The report publication is not for publicity of organization



*Participants at the interface in Kathmandu.*

but for editorial realization to inspire newsroom inclusion, he underscored.

Responding to the report, Gorkhapatra daily's Chief Reporter Junar Babu Basnet applauded the initiation. Though females are equally competent as males, they themselves are not ready to work at odd hours and visit fields to report. Such issues should be debated internally in the media houses too, and this report may be a good source.

In the Gorkhapatra daily, there are 3 female reporters; one of those reports in the political beat. We are encouraging those on mainstream reporting, he added.

Executive Director at NEFEJ Laxman Upreti recommended FF to add a section of environment, climate change and disaster among topics which would bring more number of female bylines.

He also said the scenario may somehow change after the local level poll as more number of women has been elected. Even weekly magazines published from same media organization could also be monitored, adding diversity to the present study, he further recommended.

Media researcher Ujjwal Acharya opined that in addition to contents, news room's inclusiveness of respective media should also be observed so as to produce comparative results showing actual reasons behind less number of bylines.

The report also serves as a sensitizing factor for reporters to search for female sources in future, he added.

Gender monitoring officer from Antenna Foundation Nepal, Sushmita Shakya shared even though AFN is also monitoring on women's issues but this report is more effective,

for having both quantitative and qualitative and evidence based. She also suggested carrying out monitoring of the pictures in the news stories on their gender role.

Furthermore, journalist at Sagarmatha FM, Durga Karki, shared her own experience that while interviewing with academic women to gather new news sources, they are unable to share views like those of existing sources; this may also be the reason behind same sources and no changes in the data.

Senior news reporter and program presenter at Radio Nepal, Chandra Baniya suggested that electronic media should also be monitored under same issues as their effect is more direct and immediate among public.

Sahaj Man Shrestha, FF's Vice-President expressed his views as most of the mainstream contents in media were male based and cater news on male politicians; thus shadowing gender issues.

Hence, this study may help bring forth women's presence in media. Also, staff nexus in the newsrooms can cause less number of women in media, he argued.

Advocate Ram Maya Lamichhane expressed that social structure may also be a disturbing factor to create gender friendly environment. A trend should be established to reward male journalists reporting on female contents which may encourage gender parity in the media. Gender sensitivity is a serious issue to be addressed, she stressed.

Lastly, FF took the recommendations very positively and thanked the participants for their valuable time and suggestions.

The program had 27 participants from diverse sectors. 🌱



# Press Freedom to Nurture Democracy

## World Press Freedom Day 2017

Freedom Forum marked the World Press Freedom Day 2017 by organizing a program on 'Press Freedom in Nepal: Present Status and Challenges' in the capital city Kathmandu on May 3, where an annual report was also released.

The highlights of the report were presented by Media Monitoring Officer Mr Narayan Ghimire at the program attended by media experts, educators, journalists, lawyers, film directors and producers, media students and researchers.

The report was unveiled both in English and Nepali languages by incorporating the number and types of press freedom violations, impunity relating to it, policy and directive relating to FoE and press freedom in the last monitoring year from 2016 May to 2017 April. The report showed sharp decline in the number of violations while pointed out the lack of friendly policies to create the atmosphere conducive for media freedom.

Even the reports of the international media rights organization on Nepal's press freedom situation were shared on the occasion.

Taking part in the program, Freedom Forum Executive Chief Taranath Dahal said the May 3 is the international day to remember the contribution of the journalists for improved democracy, pay tribute to those who lost their lives during reporting in various places across the globe, and to ponder for safe environment for journalists in the days to come. Press should play the role of a watchdog to ensure the citizen's right to information, he said, adding that only informed citizen can help make the democracy more functional.

He stressed that state machinery should work to ensure media freedom while journalist must be responsible towards their profession and be accountable to the society, which, in turn would help the media enjoy more freedom. According to him, the journalists and media persons have been the victim of court's



*Participants at a program marking May 3 day in Kathmandu, 2017*

highhandedness for lack of proper provision on 'contempt of court'.

Similarly, Janardan Bista from Radio Nepal stated that the press freedom is very important factor to build democratic society. Even the journalists can play role to make the atmosphere safer to them, he added.

Executive Director at Association of Community Radio Broadcasters, R. C. Lamichhane, wondered whether the journalists were given the freedom in their own newsroom. If the journalists have the access to wide range of information, he is rich of knowledge and information. Apart from this, he stressed on incorporating journalism in the curriculum from secondary level so that every children would know about the role of journalism.

Senior investigative journalist and media researcher, Hasta Gurung, advised Freedom Forum and media rights organizations to be more active to drop the press freedom violations to zero. "Every citizen has the right to expression- whether he/ she speaks, writes, performs art or anything he/ she prefers," he underscored. He took the number of

death threats seriously, arguing that unless the country witnesses zero threat to media persons, the atmosphere for press freedom can't be claimed safe and friendly.

Editor at the Naya Bikalpa weekly, Damodar Prasad Dawadi, wondered whether it was because the journalists became less active and less investigative resulting in less number of press freedom violation. According to him, once one is bound to exercise self-censorship, the number of press freedom violations obviously drop.

"I've not felt democracy at all," said film director Ganesh Dev Panday, expressing plight that he was denied approval for a film production merely because of the title of the film 'Gajabaja'.

Chief Reporter with the Naya Patrika daily, Parshuram Kafle, said journalists themselves had tremendous role to play to improve press freedom with integrity and professionalism.

Ashok Dahal, a reporter with Republica daily, expressed his dissatisfaction upon conduct of the Press Council stating social media users are more responsive and watchful towards



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“During my long alliance with the party, I was amazed to find contradictory views of the political leaders in the meeting and out in the programmes. In the meeting, they were strictly against allowing journalists, while in the speech outside, they fully advocated for journalists’ right to free reporting,”

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*Participants at a program marking May 3 day in Kathmandu, 2017*

media contents than Press Council. He pointed out on the need of Press Council’s reform.

Concerning about the code of conduct, official at the National Human Rights Commission’s official, Ms Durga Pokhrel, said that it immensely matters in a day to day life whether he/she was a public or even a journalist. “Nowadays, the NHRC has appointed focal persons in order to record the violations of freedom of expression, which can definitely lead towards change,” she said, suggesting journalists to abide by code of conduct to reduce attack on them.

Turning pages on ethical journalism, associate professor at Kathmandu University, Sudhamshu Dahal, stated that ethical journalism and transparency of growing media is a burning issue in today’s media sector. “Because media is always at the receiving end of the political protests, initiation of proper dialogue among media and politicians on ethical journalism is an utmost need of hour,” he focused.

“Where is the security of journalists when a reporter is manhandled and her camera seized during reporting in the capital city itself? Why wouldn’t journalists be forced to adopt self-censorship when not any organization including the Federation of Nepali Journalists heed to anything more than a press release after misbehavior to a female reporter?”

a victim Rupani GM, reporter with the [lightnepal.com](http://lightnepal.com) vented her ire against umbrella organization of journalists, FNJ, and the security agency. “I’m tortured and bound to restrain myself to exercise my right to free expression and press freedom,” she added.

Former Member of Parliament, Shobhakar Parajuli expressed wonder why the journalists were not allowed in the meetings of the political parties. “During my long alliance with the party, I was amazed to find contradictory views of the political leaders in the meeting and out in the programmes. In the meeting, they were strictly against allowing journalists, while in the speech outside, they fully advocated for journalists’ right to free reporting,” Mr Parajuli, leader of the Nepal Congress party said, stressing the need of

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“Where is the security of journalists when a reporter is manhandled and her camera seized during reporting in the capital city itself? ...

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media reporting for transparency within the party and for strengthening democracy.

General Secretary of FF, Dharmendra Jha, urged media persons to maintain their professional ethics above all. If the press is used as a means to serve personal gains, then journalists will face threats and intimidation from several interest groups as well. As long as self-censorship retains, misleading and distortion continues.

FF Chairperson, Hari Binod Adhikari, concluded the interaction applauding that press freedom situation has improved comparatively. However, whenever the media persons confront challenges from different interest groups, they should tackle these incidents collectively. He also encouraged media persons to remain committed to their collective well-being.

There were 40 participants in the program from diverse sectors. The report mentioned 29 cases of intimidations (attack, death threat, arrest/ detention, manhandle, seizure) against working journalists and media house during a year. Highest number of violations was recorded in the capital city being followed by Province No. 2. As in the previous years, the offenders who fuelled intimidation were local level political leaders and cadres as well as security officials. *(See May 3 report for further information.)* 🌿

# NIC Order to Local Government to Adhere to RTI Laudable

Freedom Forum welcomes the order issued by the National Information Commission (NIC), urging all 744 local governance units to fully abide by the Right to Information Act.

Mentioning clearly about the constitutional provision under the fundamental rights, the NIC order has said citizens have the right to seek information of his and of public importance from the public agencies, and made aware the public agencies at local levels to fully abide by the RTI Act, providing the demanded information to the public. The adherence to the RTI Act is the practice of transparency and accountability, which not only empowers citizens but also bolsters democracy.

Through the order issued on May 3, the public agencies have been asked

- a) to appoint the Information Officers,
- b) to make public his/her address,
- c) to keep record of the information demanded and supplied,
- d) to provide training to the office staff; and to adopt and maintain electronic record system to ensure various national languages and media so that it would convenience citizens' access to information at public agencies
- e) and ensure the incorporation of RTI while preparing any law, policy, annual work plan and the visions.

Freedom Forum, as an organization working and advocating continuously for transparent and accountable governance with the use of RTI had suggested and prodded the NIC for it, so that it would help create a base for the implementation of RTI in the changed context.

At present, Nepal has witnessed tremendous change in terms of the constitution and governance model. With the federal system in place, unitary system of governance is transformed into the effective decentralization of power. It is indeed the devolution of authority empowering the local levels. Therefore, improved, transparent and accountable public service delivery is expected from the local units of government across the country.

As the federal system is getting implemented, the NIC order has made aware the public agencies to practice transparency from the very beginning.

The FF has realized that its untiring RTI campaigns, advocacy and suggestion for building information-friendly local governance are gradually creating effects. It is laudatory in deed. 🌱

## Annual budget for 2017/18 timely, but has some gaps

The government brought the annual budget for the fiscal year 2017/18 on May 29 (15 Jesh of Nepali calendar). Freedom Forum welcomes the timely announcement of budget, which in the previous years was at the receiving end of political unrest and frequent change of governments. Thanks to the constitutional provision of 15 Jesh every year the government is bound to announce the annual budget.

Taking into account the issues relating to freedom of expression, right to information, press freedom and capacity enhance of journalists, FF welcomes some points of the budget, while points out the lack of some other significant issues as public service broadcasting (PSB) and implementation of the RTI.

The government's plan to connect municipalities and rural municipalities of all districts through an information route within the next two years with the expansion of optical fibre in the national highway, to establish an information/data bank and to set up the training centre at each province are obviously appreciative activities. The information route with the expansion of optical fibre will create a robust infrastructure for people's access to internet, the fastest mode of information and communications in the modern age. The centres to provide capacity enhancement of journalists is also a step beneficial to boost media professionalism in the country.

Despite this, not mentioning anything about the PSB is quite worrying. At a time when the previous government had taken keen interests with budgetary provisions on PSB, missing points about it has drawn FF's concern. The PSB concept focused on transforming the State-owned media -Radio Nepal and Nepal Television -into a public service broadcasting model had indeed taken gradual pace with various rounds of discussions with the stakeholders.

Similarly, in the changed context of federal set up, the relevance of PSB is growing. The involvement of citizens in media, the two-way communication among people through the PSB is not only to transform the traditional State-owned media but also to empower the citizens. PSB's focus is not on the media's access to people, but people's access to media.

Another most unforgettable issue the budget ignored is the focused program on implementation of RTI. Not mentioning anything about RTI, one of the most effective tools to improve governance, holding the public agencies accountable and transparent, would now weaken the RTI campaign across the country. Similarly, ample provisions on

data management and record keeping are essential to boost the concept of open society.

FF Executive Chief Taranath Dahal observers, "As the budget has ignored the national needs of PSB and RTI implementation, the reform in media sector and the campaign to establish open society with good governance are highly likely to suffer. Government's indifference to these pressing issues affects the accountability of State-owned media and transparency of public agencies."

on Climate Change Adaptation and Disaster Risk Reduction in the SAARC Region whereas it increased to 253 after the workshop with Nepali news print media contributing the biggest share (31 Pre and 170 post conference media contents).

The 2-month study revealed media coverage on all the themes was significantly increased after the conference. More specifically, the media coverage on EU saw whopping rise because of the prevalence of international politics concerning Britain's exit from the European Union during the monitoring period. Among the media houses of SAARC countries, Nepal followed by India contributed more number of media contents in comparison to others. While zooming into media coverage items, contents published as news were found predominant over articles and editorials. 🌱

Policy  
update

# Regressive move limiting Freedom of Expression

The Government of Nepal has issued an Online Media Operation Directive-2017 claiming to make registration, renewal and operation of online media in a more systematic way. The new policy directive had come into effect by repealing the earlier one with its publication in the Government Gazette on 20th March, 2017.

Last year, the Ministry of Information and Communications had floated the proposal under the heading 'Online Media Operation and Management Directive 2016', where wide range of stakeholders including media organizations, journalist and other media practitioners expressed serious concern noting that the directive was faulty and discouraging to internet-based media, which are gaining ground with the gradual expansion of the internet in Nepal. After severe criticism from different quarters including defenders of freedom of expression, the Ministry withdrew the 2016 directive, saying it would garner suggestions and amend the policy accordingly.

Ironically, the Ministry has brought the 'Online Media Operations Directive-2017' again ignoring its commitment to amend the document with wider consultations. To the chagrin of stakeholders, the new directive is same as it was so the new policy document also received flaks from different quarters.

In keeping with opinion of stakeholders, Freedom Forum came up with a review of the new

directive presenting areas for improvements. A team of expert reviewed the media policy being based on the international standard and constitutional provisions of freedom of expression. The main highlights of review are following;

- The directive has been introduced under the Good Governance (Management and Operation) Act-2007 which means the government has considered the online media as a government entity rather than a vibrant medium of freedom of expression that brings citizens' voice into the mainstream. The internet-based media are therefore not recognized at par with other media and the employees working in the online media are not considered to be journalists.
- Importantly, all the media outlets – even TV, radio and newspapers with an online service – have been asked to get registration and renewal separately for their online stream which seems double/ threefold registration. There is high chance that the government could take steps to suppress freedom of expression at any time because of the opportunity given to Government officials to apply subjective considerations



for determining eligibility.

- The directive has also made it mandatory for online journalists to obtain press accreditation card under the laws in force which has narrowed the identity of journalist. It has made the management responsible for publishing or broadcasting not only news but also views and opinions that encouraged exercising self-censorship rather than the media freedom. Besides, the provision of government facility to online media and its requirement in the name of welfare advertisement is against the principle of free and fair media. The directive has stated that, "If the online media violate the rules and code of ethics, they will not be entitled to the facilities to be provided by the government".
- The directive provides excessive authority to Press Council for regulating any content of online media which contravenes the constitutional provision. The authority given to the Press Council via directive for regulating media content is also not in consistent with the Press Council Act.
- Having various regulatory provisions, the directive does not speak anything about mobile apps and media software which is the great source for the people to access to the news and views of late. Finally, it has tormented the notion of self-regulation of media that is also a main feature of National Mass Communication Policy. 🌱

## FoE respected in second round of local election

Nepal has conducted the second round of the local level elections in Province No 1, 5 and 7 in a peaceful manner today (June 28), where the citizen's right to freedom of expression was found respected.

Freedom Forum has continuously monitoring whether the election time sees the incidents intimidating voters, journalists, election can-

didates and cadres thereby violating freedom of expression.

Although FF got news of some untoward incidents as minor bomb blast and inter-party clashes, no significant incidents were occurred today to deprive voters of their rights to elect representatives in fear-free atmosphere, while the journalists too enjoyed conducive atmosphere for free reporting.

"Peaceful campaigning of political parties and leaders and their constitutional right to free speech/opinion are equally important to that of the freedom of expression and information. The respect of FoE and information in the election is the signal that Nepal is making meaningful effort to functional democracy with the restoration of people's representatives nearly after two decades," observes Executive Chief of FF, Mr Taranath Dahal. 🌱



# Political loyalty against professionalism



Discussion with Far-west journalists

Freedom Forum recently mobilized its media mission in the far western region of the country. During the mission, the FF team held interactions with the media persons, writer, professor, senior security officials and the local administrations on the overall issues of freedom of expression. It visited the office of the journalists- Khem Bhandari and G Bhatta- who were detained for a day by the local security over a news reporting and garnered information from both sides.

The journalists, security officers and chief districts officers from Kailali and Kanchanpur districts were asked to put forth their views on whether there was favourable atmosphere for political parties/leaders/cadres for peaceful election campaigning, whether journalists were working without any fear and suppression and enjoying

the atmosphere for free reporting, and whether the media was inclusive and missing anything.

Separate meetings were held with the journalists, and security officials and local administration. In Kailali interaction, seven journalists from various media outlets participated in the interaction while Chief District Officer and Superintendent of Police had the interaction together. Even a noted book writer Ram Lal Joshi and a College Professor was interacted together. Similarly, the mission team held interaction with ten journalists in Kanchanpur district.

Various sorts of views were expressed by the participants on the overall issues of freedom of expression. Most of them said the entire media was now focused on election issues at present because the Province No 7 was holding the

second round of the local level elections on June 28. According to them, the region was not facing any hostile situation for the practice of FoE and information. The local security officials and the administrations said they were fully committed to protecting citizens' FoE.

Deputy Superintendent of Police in Kanchanpur district, Bhim Dahal, who is also the Spokesperson of the District Police Office, said, "Election campaign is peaceful in the district. We've friendly to media, and with RTI laws."

He added that the detention of editor Khem Bhandari and G Bhatta was followed after a complaint was filed at the District Police Office, seeking action under Some Public Offence Act. The case was still under investigation, he asserted.

On the other hand, editor and publisher of Manashkhanda daily, Bhandari argued that the police released them a day after the detainment as they did not find any proof of public offence with his news writing.

Some journalists however admitted that their affiliation to the political party was making them practice self-censorship because they could not write any wrongdoings and irregularities of the political parties and leaders they are loyal to the political parties. While inflating news of one political party and reducing of other, it could invite threat/attack to media persons, they added. 🌱

## Press Freedom Voilation Factsheet

S.N	Date	Place/ Province	Incident	Total no. of Journalists affected		Journalists/ Media house directly Affected	Remarks
				Directly	Indirectly		
1	April 26th	Kathmandu (3)	Police manhandle reporter while reporting	1		Rupani GM,Lightnepal (news portal) (1)	
2	May 2nd	Kathmandu(3)	Contempt of court case filed	4	63	Kantipur Daily	
3	May 3rd	Kathmandu(3)	Death threat by Lalitpur Forest Officer	1		Shivahari Ghimire, Nagarik Daily	
4	May 6th	Kathmandu(3)	EC issued letter to remove public poll	35		Setopati.com	
5	May 6th	Kathmandu(3)	Death threat to film journalist	1		Manish Dahal, Film journalist	
6	May 9th	Nuwakot (3)	Manhandled by police persons	4		Dev Chandra Bhatta (Annapurna Post), Ramhari Gajurel (ratopati.com), Rakesh Dangol (Friends FM 90.9 MHz) and Jagadish Khanal (Radio Jalapa)	
7	May 2nd	Rukum (5)	Arrested on charge of public offence	1		Hari Bishnu Oli (Sikshya Sanjal weekly )	
8	May 11th	Makwanpur (3)	Arrest attempt	1		Tilak Adhikari (Janata Jindabad Weekly)	
9	May 10th	Kathmandu(3)	Arrest	2		Thakur Pd. Timalnsena and Yogesh Baral	
10	May 8th	Kathmandu(3)	Threats through Facebook and Twitter	2	65	Balaram Baniya and Krishna Acharya (Kantipur daily)	
11	May 14th	Kathmandu(3)	Manhandled by police person	1		Binod Bista (Naya Patrika)	
12	May 17th	Sindhuli (3)	Attacked by police persons	1		Rabindra Bhattarai	Dudhaili Khabar News Portal
13	May 24th	Gorkha (4)	Kept in detention for 10 days	1		Bikash Bhattarai	Janata TV
14	May 26th	Pokhara (4)	Women journo issued death threat through Facebook	0	51	Working women journalists in the district	Defamation of women journo
15	Jun 5th	Birgunj (2)	Reporter attacked by unknown gang over news	1		Anup Tiwari	Radio Birgunj and Mountain TV
16	Jun 8th	Humla (6)	Radio Karnali vandalized and Radio journo attacked by group of teachers	1	6	Arjun Bohara (Radio Karnali)	Reporter received injury on head and loss of property of around 2 lakhs.
17	Jun 10th	Bhaktapur (3)	Photojournalists mistreated and threatened of attack	6		Ratna Krishna Shrestha and Ramesh Giri (RSS), Leela Shrestha (Kantipur), Sudip Kumar Poudel (Medianp), Nabin Adhikari (Online khabar) and Barsha Shah (currentnewsnepal)	Insecurity to cover news for a serious issue
18	Jun 17th	Kanchanpur (7)	Editors arrested over news	2	30	Publisher/ Editor Khem Bhandari and Executive editor Ganesh Dutta Bhatta (Manashkhanda Daily)	Newspapers couldnot be published (3500*2 copies)
19	Jun 29th	Bhojpur (1)	Security persons stopped reporters from entering Vote counting site	5		One from each of Kantipur daily, Nagarik daily, Annapurna Post daily, Naya Patrika daily and Ujjalo online	Reporters had to rely upon secondary sources for update

...Continued from page 1

**Press Council's plan to conduct license exam for journalists:** Press Council Nepal, a State agency to see code of conduct on journalists, brought a preliminary draft of the Journalists' Code of Conduct-2016. The efforts were made by the Council to classify journalists and making journalists to take eligibility exams signals State may control media and journalists, which does not suit democratic practice, as it violates freedom of expression.

**Wages of Journalist:** It is a positive step that the government had fixed monthly wage of working journalists at Rs.19, 500 in minimum to be effective from 16 July 2016. The government made this decision after the recommendation by the Minimum Wage Fixation Committee. However, it needs proper implementation.

**Online Media Directive:** Online Media Operation Directive 2017 was published in the gazette on March 20, 2017, which is without any fundamental difference from the earlier version.

The Directive was brought under the Good Governance (Management and Operation) Act-2007 which suggests that the government has taken online media only as a medium for good governance and as a government entity to deliver service rather than as a vibrant medium to boost the practice of freedom of expression and bring citizen's voice in the main stream.

### The Directive is oriented towards control of internet-based media.

Even a writ petition was filed at Supreme Court against the Directive issued on March 26. The petition demanded the SC to repeal the Directive, arguing that it was against freedom of expression, right to information and the constitutional provisions.

### Impunity Watch

*It is laudable that impunity relating to the crimes against journalists is being addressed though slowly.*

District Court Dhanusha issued a decision to remand an accused of Arun Singhaniya's murder- Sanjay Saha- to custody on December 1, 2016. Judge Deepak Kumar Dahal issued the order on the basis of evidences presented. Singhaniya was the Chairperson of Radio

Today Communications group. He was shot dead at local Shiva Chowk of Janakpur city on March 1, 2010.

Janakpur High Court upheld the District Court Dhanusha's decision of life imprisonment to murderers of journalist Uma Singh. In the verdict issued on March 15, three convicts of Singh's murder- Nemlal Paswan, Umesh Yadav alias Swamiji and Singh's sister in law Lalita Devi Singh were sentenced life imprisonment with confiscation of entire property.

Despite this, the cases of crimes against journalists (killing and disappearance during the armed insurgency in Nepal) are waiting justice, for long.

### Some highlights

- A news portal newssewa.com operated from Kathmandu was blocked in February 2017, over the news it published. News was about an effort of a senior police official- Deputy Inspector General (DIG) to hide own misdeeds. Two other websites- arthiknews.com and karnalikhobar.com were also blocked by the Nepal Telecommunications Authority (NTA) upon the request of Nepal Police. Latter two media were blocked also on the similar reason, FF believed.
- A team of journalists was threatened by Suresh Chandra DC, Assistant Forest Officer, through Facebook on February 3, 2017 over a news story on massive illegal deforestation in Jorajal area of Doti published on many newspapers and online news portals. Doti is the district which lies in the far western region of Nepal.
- Correspondent with Image Television channel and setopati.com, Anil Tiwari, was attacked by police persons while reporting a protest against Parsa District Court's verdict on 1 December 2016.
- A petrol bomb was hurled against a group of three photojournalists namely, Keshav Thapa of The Kathmandu Post, Shreedhar Poudel of Online Khabar and Manoj Thapa of Metro FM 95.6 by an unidentified gang on March 28. The attack took place while they were reporting on the clashes between Police and various student unions protesting against the Free Student Union's election at Ratna Rajya Laxmi Campus in the Kathmandu Valley.
- The Film Development Board Nepal denied the approval for the development

of a movie named "Gajabaja", directed by Ganesh Dev Pandey (Tuka Entertainment) merely because of its 'title' (Gajabaja). Director and the producers of the film shared the information with Freedom Forum that FDB denied approval to the film arguing that the term 'gaja' (marijuana) would promote marijuana. Gaja is contraband in Nepal. The FDB refused to recognize the film merely because of its title, they said, adding that it was denied production since February 2016. When the line ministry was inquired about this, it too said the word 'gaja' could be omitted, as it would not give good message.

### Conclusively,

- Although political parties and free press are equally important pillars of democracy, the lack of political culture among the political parties/leaders and their cadres, resulting in hostility to media is a serious problem. Unless the local cadres are made aware of the importance of free press, the media persons are continuously at the received end of uncultured politics. The written commitments of the political parties to free press need to materialize into practice.
- Low media literacy among the public and among the security persons especially the low level police persons draws similar concern that they are not receptive to journalists' right to free reporting. When security persons fail to segregate journalists from protest, the number of attack on journalists rises quickly. Here is the need of proactive role from State to protect and promote press freedom.
- With the rising use of internet-based media and their easy and quick accessibility, suppression of such media is highly likely by the State. Role of the internet-based media for free expression need to be internalized to improve democratic values.
- As the news of the disclosure of the financial irregularities and administrative malfeasance are most sought by the journalists, these issues are of course of the headache to the public officials. The antagonistic behavior they mete out to the journalists can be changed once they practice transparent and accountable governance.
- The Government while formulating the media policy needs to embrace the complete principle of freedom of expression, so that it would help pave way to guarantee free press. 🌱

# 6% Female Byline in 9 National Dailies

## Background

It is again the continuation of the monitoring of media contents to find the presence of women in significant newspapers published from the capital city. The monitoring has gained relevance also in the background that the country is engrossed in local level elections ensuring remarkable participation of women. As the empowerment of women and their presence in State agencies and other sectors has long been an issue of advocacy, Freedom Forum's attempt to generate evidences and make recommendations to the concerned

media outlet is certainly to draw the attention from the stakeholders. The monitoring period this time is three months from April to June 2017. Compared to the reports prepared in previous quarters, this report shows slight improvement with the rise of female journalists in news byline and as news sources. Although overall presence is not much different from the previous ones, the data from the individual newspapers shows some improvements.

The study is undertaken by adopting the tools and methodologies provided by Free Press Unlimited (FPU). FF

monitored the same nine national dailies (Kantipur, Nagarik, Annapurna Post, Gorkhapatra and Naya Patrika in Nepali language and The Kathmandu Post, The Rising Nepal, The Himalayan Times, and Republica in English language.) during the recent three months and prepared a comparative and analytical report revealing male and female in bylines and news sources. This activity is carried out with the financial support from Free Press Unlimited (FPU), a foundation based in Amsterdam, the Netherlands, working in freedom of expression issues across the world.

## Objective of the study:

- To extract data as number of male/ females bylines and number of male/ female news source in the news contents of main news pages.
- To conduct a comparative analysis on percentage representations of males and females in Nepali media contents.
- To briefly analyze the nature of news stories as for perpetuating or challenging stereotypes against men or women.
- To find out whether the less represented women cover news related to politics/government or social/legal issues.

## Limitations of the study:

- The study does not cover all the bits such as entertainment, economics, technology, etc. of the national dailies.
- The study only picks eight main news stories from each newspaper once in a week as representative samples.
- The study report does not describe overall presence of men/ women in the respective media houses.
- The report is based only upon the contents scanned according to the methodologies.

## Key Points:

- Male bylines (53%) outnumbered female bylines (6%) and the unknown bylines as well (41%)
- The Annapurna Post daily scored the highest- 82% male bylines among newspapers studied, while the Kantipur daily con-

tained 13% female bylines (highest of all). Among total news monitored, 80% contained men, 9% female and 11% the secondary sources.

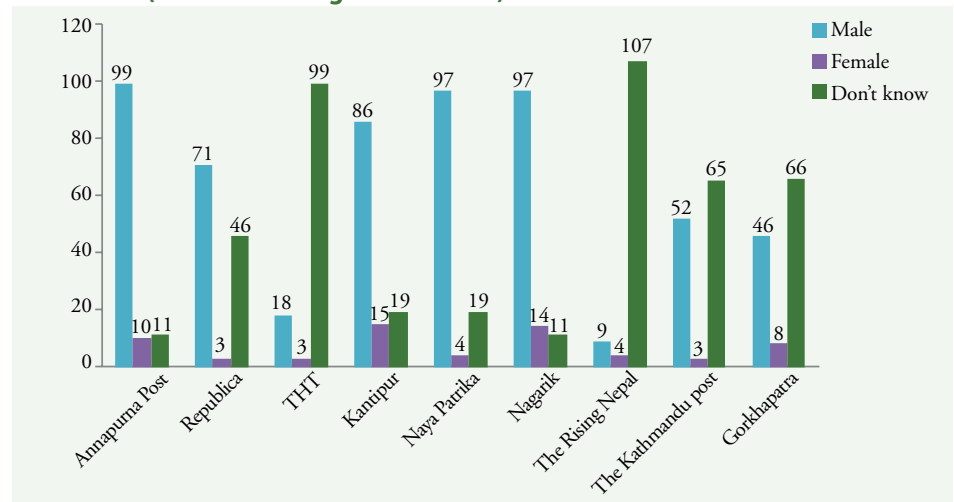
- Among total females, the Kantipur contributed to the maximum reporters (23%) and sources (16%).
- 60% of 1,080 news titles fall under Politics and Government followed by 20% social and legal news.
- 51% of females reported on Politics and government whereas, only 25% of females reported on social and legal issues on the main news pages.
- Among the total, 47% news stories war-

ranted further analysis thus, challenging stereotype and highlighting (in) equality. The data in the report showed considerable increase in women's participation as both news reporters and sources on all the nine media outlets.

## Methodology

As done in the previous study and analyses, the contents are picked from the same nine national dailies: Kantipur, Nagarik, Annapurna Post, Gorkhapatra and Naya Patrika in Nepali language and The Kathmandu Post, The Rising Nepal, The Himalayan Times, and Republica in English language. Eight news stories from

## Journalists (Who are talking in the media)





## GENDER CONTENT MONITORING REPORT

main pages (1, 2, 3, 4 or 6) of each newspaper were randomly selected and scanned for derived variables once in a week (different days in different weeks); however, stories with named bylines were given first priority. The variables were recorded into a coding sheet provided by FPU. Figures derived in the coding sheet were then entered into Microsoft Excel and processed for presentation and tabulation.

Data were processed for comparing male versus female presence in news byline and sources, topic-wise distribution, stories showing gender (in) equality. Similarly, percentage of females reporting on political and social issues was also recorded.

### Results:

#### 1. Journalists (Who are talking in the media)

This study period observed relatively improved status of gender balance in byline contents of Nepali media. Among the media outlets monitored, The Rising Nepal still contributes to be have the least bylines followed by The Himalayan Times, Gorkhapatra and The Kathmandu Post whereas, Annapurna Post and Nagarik constituted maximum number of bylines. Annapurna Post scored the highest (82%) male bylines among others whereas, Kantipur contained 13% female bylines (highest of all) and The Rising Nepal contained 89% unknown bylines.

The news stories without specific names contained Himalayan News Service, Rastriya Samachar Samiti (RSS), Kantipur Reporter, Naya Patrika, Nagarik Reporter, Staff Reporter, Post Report, Gorkhapatra Reporter, etc. in the bylines.

Similarly, among those containing male bylines Annapurna Post (AP) stood first being followed by Nagarik and Naya Patrika (NP) sharing same, then Kantipur, Republica, The Kathmandu Post (TKP), Gorkhapatra, The Himalayan Times (THT) and The Rising Nepal (TRN) containing the least.

The highest female representation was found in Kantipur, followed by Nagarik, AP, Gorkhapatra, TRN, Naya Patrika, and Republica, THT, and the TKP.

Amongst all, male bylines (53%) outnumbered female (6%) and unknown (41%). Looking back to the data from January-March, where THT, TKP and NP had 1, 0 and 1 female bylines; this time they have come up with 3, 3 and 4 respectively.

#### 2. Sources (Who are talking in the stories)

The data revealed that main news of the Nepali

media outlets still prefer male news sources to their female counter part resulting 80% male sources in contrast to 9% and 11% female and secondary sources respectively. Among all, Kantipur and Nagarik dailies contributed to the highest peak for all kind of news sources; men, women or secondary.

Secondary sources refer to data, reports, proposals, statements, amendment bills, court bills, orders, press releases, manifesto, etc.

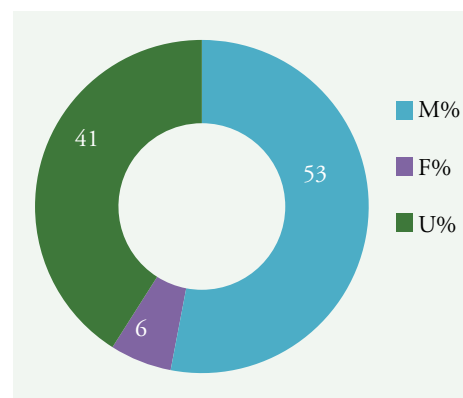
This time, Kantipur tops the list followed by Nagarik, for covering maximum number of both male and female sources. Though overall data on women sources is considerably low; comparing to the previous reports, it looks progressive.

Increase in the participation of women in the news stories may be linked to the current political atmosphere of Nepal- it is in course of shaping the local level by holding the local level elections.

THT contained maximum number of secondary sources (17%) amongst all. Similarly, in case of primary sources, Kantipur contained 16% men and 16% women quoted as news sources securing maximum among others.

#### 3. Topic-wise distribution of News stories

After coding the titles of the selected news stories as per the methodologies provided by FPU, the stories were assembled so as to differentiate their category. After tabulation, study team found 60% of 1,080 news titles falling under Politics and Government category. Among remaining categories, Social and Legal category contained 20% followed by Science and Technology 13%, while Crime and Violence 6% and Celebrity, Arts, Media and Sports only 1%.



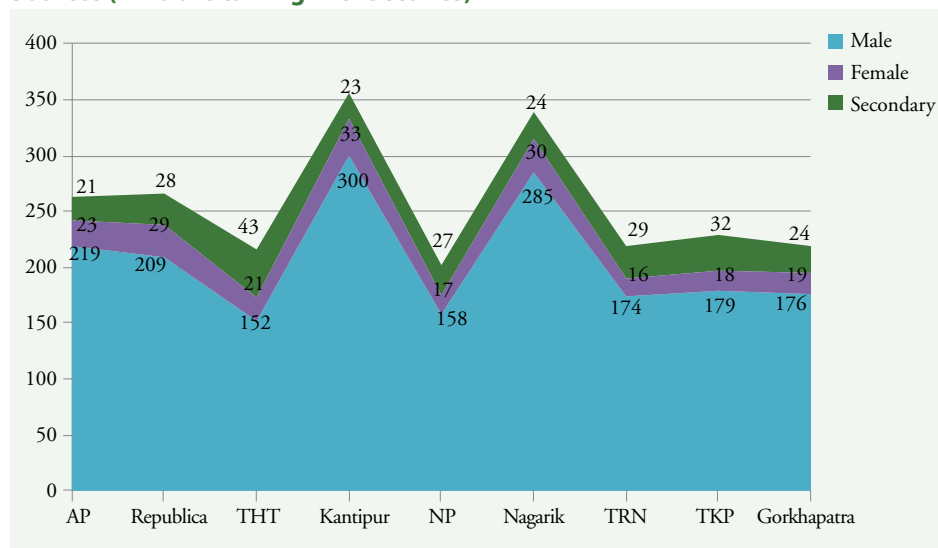
Maximum number of political news stories on main news pages is the reflection of local level poll during May and June. Similarly, legal cases such as impeachment motions, reconstruction and other developmental activities added to the Social and Legal category.

Along with the ongoing election activities, news on crime and violence also were on rise. Hence this time, such news too found significant place on the main pages after those of science and technology. However, news on entertainment sector still lags behind any other on those pages.

The Nagarik daily reaches highest value of news under Politics and Government followed by Kantipur, Republica and Naya Patrika sharing same, whereas, THT contained least of all. Similarly, THT contained maximum news on science and technology while, TKP covered social and legal news the most after political ones.

Upon the analysis on gender divide on the basis of topic of news stories, 68% of males and 51% of females reported on Politics and Government, while only 19% of males and 25% of females reported on Social and Legal issues following

#### Sources (Who are talking in the stories)



## GENDER CONTENT MONITORING REPORT

others. The data clearly reflects election fever and political activities of the country during the study period.

### Visit to media houses

In course of the preparation of this report and learning the responses of concerned media houses on previous reports, FF team visited the newspapers offices and garnered editors' feedback.

Almost all editors admitted that their media had comparatively less number of females. However, they were univocal for increasing women journalists in their media.

They pointed out the limited human resource in the media fraternity behind existing gender disparity in entire Nepali media.

### 4. Stories warranting further analysis

This section contains the news stories which demand further analysis under gender inequality and gender stereotype. Here, stories throwing light upon gender issues were categorized into four sections as shown in the figure below.

Among 165 gender biased stories, 34 were coded under Highlights (in) equality, where, less than 50% showed equality upon sources quoted. Similarly, 33 stories were about women and 21 challenged stereotype for men and women; one challenged stereotype of men too. It is interesting that the story challenging stereotype of men is written by female reporter and is about women's issues.

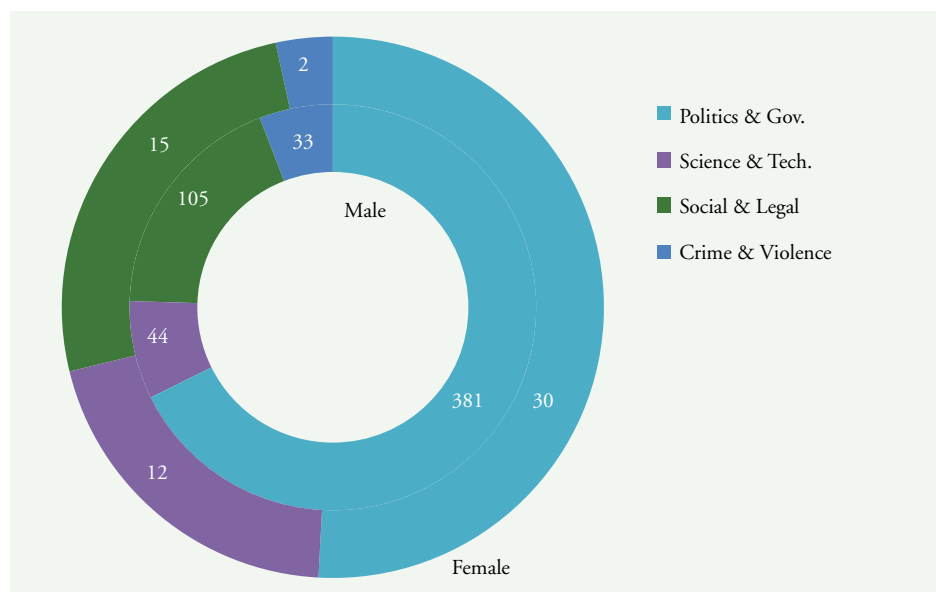
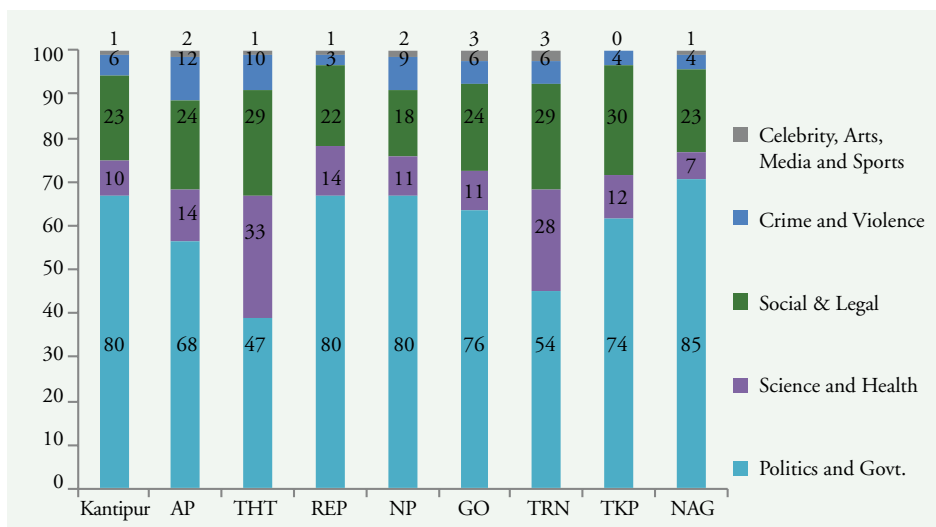
The figure shows that Kantipur and Nagarik dailies contain maximum number of stories which warrant further analysis. These stories which are about women, show inequality in quoted sources and challenge stereotype have been coded under this section.

Maximum number of stories under warranting further analysis correlates to media containing maximum number of political news. Hence, this signifies political news lack significant number of women as source.

### 5. Brief analysis of the stories showing gender inequality (biasness)

The news stories typically about women, showing inequality, and women in challenging or submissive roles have been coded under this title. Below is the brief description on why those stories have been coded under the title.

*a. Dhaulagiri's only women candidate (Naya Patrika, April 17, Parbat):* The story says that only a woman candidate has given her candidacy for the first phase local level poll from one of the municipalities of Parbat district. Filing of



candidacy by single woman challenges stereotype and together shows our society is gradually moving towards gender equality.

*b. Nuwakot DAO denies 3 siblings citizenships in mother's name (The Kathmandu Post, April 6, Nuwakot):* Despite Constitution's provision to confer citizenships on children in their mother's name, the news describes about the case where 3 children of Rajani Thapa from Nuwakot district were denied citizenship certificate in mother's name. Her husband has been missing for 14 years. Even though Rajani is a Nepali citizen and has been living in Nepal, she has to prove that her husband too is Nepali. This depicts poor status of single mothers who, in case, are unable to prove their husbands' identity are getting their children subjected to deprivation of fundamental rights in their own country. Hence, the story draws sheer inequality.

*c. Women still ignorant about safe abortion laws (The Rising Nepal, June 2, Kathmandu):* Lack of awareness and information about laws and availability of abortion services, life of women needing to undergo abortion have been havoc, reads the news. The story describes two cases where women had to face dreadful condition following unsafe abortion where one of them lost her life. One of the experts is quoted that only 38% women know that abortion is now legal in Nepal. Hence, this draws serious concern over illiteracy and perpetuating stereotypes among rural females in some parts of the country.

*d. Politics to end discrimination (Kantipur, May 17, Lalitpur):* The news is based on commitments of a dalit woman Ranju Tilangi who has been elected as municipal member. She said that she would fully dedicate her time

to work against social discrimination. The story depicts gender equality and challenging stereotype of female after this local level election where there is the constitutional provision to mandatorily allocate two of the candidacies for females.

*e. Women fill in for men in quake reconstruction (Republica, May 26, Hetauda):* After the devastating earthquake, women in the rural areas have been actively working for reconstruction of houses. The news also says that husbands of those women even laughed at them for taking over construction responsibilities but still they carried out their jobs skillfully and willfully thus, making their life financially secure. Hence, the story clearly challenges stereotype of women even in the rural areas.

*f. Males also face restrictions when women menstruate (The Himalayan Times, June 13, Kathmandu):* When women menstruate, even in urban educated areas they are isolated considering impure, says the news story. It also says that when women menstruate, not only the concerned women, but also male members of the family along with other members suffer at home. During this period, males are responsible to carry out household works in the kitchen and in most cases; important rituals and functions at home are even cancelled. Hence, the story challenges stereotype of males as looking after household jobs.

*g. Wish of 86-year old rural municipal member (Nagarik, May 17, Dhading):* This local level poll even elected an octogenarian woman from Dalit community in Dhading who wishes to work for the community of elderly people and their benefits. She was able to defeat her 25-year old competitor. More than being a politician she is a social worker, reads the news. Hence, during this poll many more women got opportunity to come forth and show their ability towards society transformation which clearly challenges stereotype about women in the society.

*h. Order to stop Impeachment (Annapurna Post, May 5, Kathmandu):* The news story is about a female Chief Justice Sushila Karki who has been filed impeachment motion because of which she had to be suspended of her job for few days. However, the Supreme Court later issued an order to continue her job at the same position. The impeachment motion was filed against her for her decision on appointment of Inspector General of Police. Registering the impeachment motion against judicial values and Chief Justice's activities depicts how women's works are portrayed in the society thus, showing inequality.

*i. Kanwar community women deprived of voting without citizenship (Naya Patrika, June 20, Jhapa):* The news is about a marginalized community where women do not have their own citizenship. While asking about election, they said that election is about voting but why and who to vote is a question for them. This depicts how poor and backward are they regarding social education and their basic rights. In some cases, even their husbands are not ready to go for the process for getting them citizenship. Hence, the news shows gender inequality as well as perpetuates stereotype for both male and female.

*j. Constitution amendment to make it inclusive: Deuba (Gorkhapatra, April 29, Lalitpur):* The news covers press meet of a political party where four male politicians' voices are heard and quoted but lacks women's voice. Despite presence of few women in the party, their voices were not presented in the news drawing question of gender equality. It is the inequality witnessed in the news sources.

## Conclusion

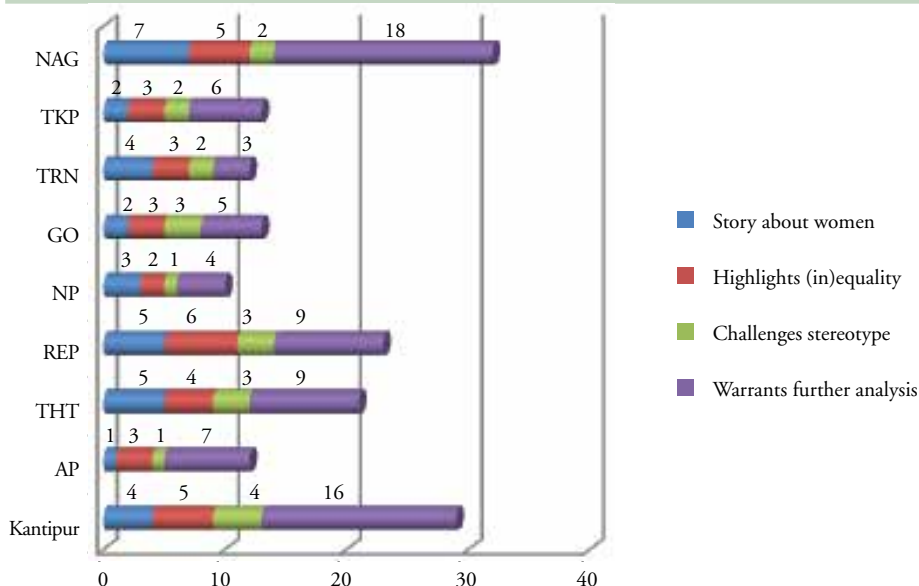
The three-month-long study of the contents has revealed gradual improvement on the representation of women in Nepali media contents. Among total 1,080 news scanned, 77 warranted further analyses upon gender perspectives. Women journalists and news sources comprise only 6% and 9% respectively. Even though, overall data result same as it was, data in the individual newspaper show increase of women journalists as well as women as news sources in all selected media. Overall, news on politics and government was found dominant. During the first and second phase of local level

polls in the country, most of the stories are related to political and governmental issues; they still lack adequate women's participation and views. Among the nine dailies, Kantipur replaced Annapurna revealing maximum inclusion of females as both reporters and sources this time. Almost 51% female journalists reported on political and governmental issues whereas, only 25% reported on social and legal issues. Conclusively, in comparison to the previous reports considerable changes have been witnessed in the contents and representation of women.

## Recommendations

- Stories about women and those containing women in the pictures should also include their opinions and views.
- Even in the political and other social stories, search for new and appropriate sources should be widened through emerging new resources and women participations in multiple sectors.
- Incorporating the byline names of journalists may decrease unknown list and also reveal participation of more men and women journalists thus, deviating the curve.
- As the circumstances are tilting towards gender equity, news rooms and media house policy should also be designed so as to reflect equality, and reporting format should be changed towards throwing light upon the cases where men also replace women at their work.
- Once the editors take concrete initiatives to translate their verbal commitments they made with the FF team into action pertaining to the earlier reports, it would help increase female presence in the journalism..🌱

## Stories warranting further analysis





# Govt. Reminded of UNESCO Concern Over Impunity on Crimes Against Journalists

Freedom Forum has reminded the government that the UNESCO Director General had enquired about the status of impunity relating to crimes perpetrated against media persons in Nepal.

FF talked to the Joint Secretary assigned to look after human rights issues at Office of the Prime Minister and Council of Minister (OPMCM) recently in Singha Durbar and made him aware that UNESCO Director General had written to Nepal government to

TO:  
**Puspa Kamal Dahal**  
 Prime Minister of Nepal  
 Office of the Prime Minister and Council of Minister  
 Singhdurbar, Kaptmandu, Nepal  
 CC:  
**Bidhya Devi Bhandari**  
 President of Nepal  
 Dr. PrakashSharanMahat  
 Foreign Minister of Nepal  
 H. E. Ms Ambika Devi Luintel  
 Permanent Delegate of Nepal to UNESCO  
 [date]

Your Excellency,  
 IFEX, the global network of 108 organisations working to promote and defend freedom of expression worldwide, including in Nepal through our local member Freedom Forum Nepal, writes to you regarding the UNESCO Director-General's 2017 request to provide information on the status of judicial inquiries into the killings of 7 journalists condemned by the Director General in Nepal from 2006 to 2016. We also encourage you to be forthcoming on general measures being taken to promote the safety of journalists and to combat impunity.

The biennial Director-Generals report was commissioned by the International Programme for the Development of Communications (IPDC) as a means for States to demonstrate their commitment to addressing crimes against journalists and

know whether the government activities had addressed or were addressing the issues of impunity pertaining to the killings and disappearance of media persons since 2006 to 2016.

The Joint Secretary was not only made aware of the letter but also about the report FF produced: Legal Status of Journalists Killed and Disappeared from 1996 to 2016 in view of the letter that urged the government to consult this report.

Also, the government was informed about the

*media workers by providing detailed information on the steps being taken to achieve justice and end impunity.*

*In the Council's 30th session, it was resolved that the report would also serve as a monitoring mechanism for tracking progress towards Sustainable Development Goal 16.10 on access to information and fundamental rights, which UN member states unanimously adopted. In the same decision, it was noted that the report's value would be further strengthened through the collection of information on good practices.*

*We are concerned by the fact that since 2011, Nepal has not responded to a single request for information made by the Director-General. We strongly encourage you to reconsider this trend of silence and submit the relevant updated information to UNESCO, also granting them permission to make it publicly available. Being an interim reporting year, your response will be included in both the upcoming 2017 World Trends in Freedom of Expression and Media Development report as well as the 2018 report on The Safety of Journalists and the Danger of Impunity.*

*Since 2006, more than 800 killings of journalists and media workers have occurred worldwide. In over 90% of these cases, the perpetrators have gone unpunished. This type of extreme unchecked violence is the ultimate form of censorship and severely curtails the flow of information necessary for a peaceful, prosperous and democratic society*

Sustainable Development Goal no 16 (10) which has mentioned well about citizen's access to information and the atmosphere conducive to media freedom.

During the talk, the Joint Secretary said they would discuss the matter and would reply accordingly.

The draft of the letter UNESCO Director General wrote to Nepal Government as mentioned by the IFEX was--

*to flourish. The culture of impunity that has developed around this issue only makes it more likely that such crimes will continue to occur. For this reason, the issue of impunity for killings of journalists is one of the greatest threats to freedom of expression and information worldwide. For more information on how this issue has manifested in Nepal, please see Freedom Forum's recent study on impunity for media killings dating back to 1996.*

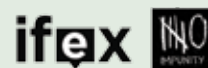
*To ensure that your efforts are documented in the relevant reports, we call on your government to demonstrate your leadership and accountability by making your submission to UNESCO before 30 May 2017. In so doing, you will be helping to improve political will to address violence, building a global repertoire of best legal practices, and showing that attacks on freedom of expression in Nepal will not be tolerated.*

*We look forward to your response to this letter and to seeing updated information on the cases mentioned above made public in the relevant reports and on the UNESCO website. For more information visit:*

*<http://www.ifex.org/noimpunity>  
<http://www.unesco.org/dg-report>*

*Sincerely,  
 Annie Game,*

*  
 Executive Director of IFEX*



## FF in National/International Forum

- Executive Chief Mr. Taranath Dahal participated in the IFEX Strategy Congress 2017 held in Montreal, Canada from June 12 to 15, 2017. The Conference marked 25 years of IFEX network in the defense of freedom of expression and information with the theme Voices to be Reckoned with.
- Treasurer Mr. Kedar Dahal participated in

the IPI World Congress held in Hamburg, Germany from May 18 to 20, 2017. IPI is a global network of journalists, editors and media executives.

- Media Monitoring Officer Mr. Narayan Ghimire attended a workshop named: 'Internet Policy and Advocacy: Research Methods Workshop for

South and Southeast Asia Actors' organized jointly by the Centre for Communications Governance under the National Law University, Delhi; the Annenberg School for Communication's Internet Policy Observatory, US, and Centre for Internet and Society. It has held in New Delhi, India, from 10 to 14 April. 🌱

# Self Disclosure Update

<b>Type and Nature of Organization</b>	NGO working for Democracy, Right to Information, Freedom of Expression, Fiscal Transparency and Open Data		
<b>Legal Status</b>	Registered at District Administration Office Kathmandu. DAO Registration Number: 127/062/63, SWC Affiliation Number: 18518		
<b>Location</b>	Adarsa Marga, Prasuti Griha Road, Thapathali, Kathmandu		
<b>Staffs and Roles</b>	<p><b>Taranath Dahal:</b> Executive Chief, coordinates overall organizational and administrative affairs</p> <p><b>Krishna Sapkota:</b> Planning and Policy Advisor responsible for project design and planning and provides advisory support on policy affairs.</p> <p><b>Narayan Ghimire:</b> Media Monitoring Officer, who coordinates media focused initiatives</p> <p><b>Aruna Adhikari:</b> Finance and Administration Officer, looks after accounting and administrative affairs and performs responsibilities as the Information Officer.</p> <p><b>Nanu Maiya Khadka:</b> Gender Monitoring Officer, responsible for monitoring media content on gender perspectives</p> <p><b>Kumar Chaulagain:</b> Program Assistant</p> <p><b>Manju Ojha:</b> Front Desk Assistant</p> <p><b>Rita Mangranti:</b> Office Assistant</p>		
	<p><b>Project Staffs:</b>  <b>Sanjeeb Ghimire-</b> Project Manager-EEMIR Project  <b>Bhawana Poddar-</b> Program Officer-EEMIR Project  <b>Bobbish Dhakal-</b> Associate Finance Officer-EEMIR Project  <b>Ashmita Pokharel-</b> Legal Officer- SEFAS Project</p>		
<b>Ongoing Project Information</b>	<b>Project Name</b>	<b>Supporting Agency</b>	<b>Date of Signing the Contract</b>
	Open Budget Survey 2017	IBP	7 June 2015
	Enable Environment for Media Law Reforms and Improved RTI Practice (EEMIR) (CS-MAP)	FHI 360	30 Dec 2016
	Support to Enable Environment for Free, Accountable and Sustainable Media in Nepal (SEFAS)-No News is Bad News.	Free Press Unlimited (FPU)	4th May 2017
	Sustainable use of Technology for Public Sector Accountability in Nepal (SUSASAN)	CECI	17th April 2017
<b>Services Offered/ Activities Carried Out</b>	Research, capacity development and policy advocacy including media monitoring, trainings on RTI and journalism, meetings, workshops, seminars and other campaigns to promote issues of democracy, RTI, FoE, fiscal transparency, human rights, local governance. It also provides legal aid to journalists, media and information seekers.		
<b>Responsible Authority</b>	<b>Chairperson:</b> Hari Binod Adhikari, <b>Executive Chief:</b> Tara Nath Dahal		
<b>Decision Making Process</b>	<p><b>General Assembly:</b> Making policies, rules and regulations of organization</p> <p><b>Executive committee:</b> Formulation of action plans as per constitution of organization, rules and regulation</p> <p><b>Management team:</b> Running projects and daily operational affairs and reporting timely to the Executive Committee.</p>		
<b>Past and Current Activities</b>	Please follow the link: <a href="http://freedomforum.org.np/content/category/activities/">http://freedomforum.org.np/content/category/activities/</a>		
<b>Information Officer</b>	Aruna Adhikari		
<b>Financial Information</b>	Freedom Forum received grants amounting Rs. 5766279.93(April to June'17)		
<b>Official Website</b>	<a href="http://www.freedomforum.org.np">www.freedomforum.org.np</a>		
<b>Publications of Freedom Forum</b>	Freedom Forum has over 50 Publications (printed) Please Follow the Link: <a href="http://freedomforum.org.np/content/publications/">http://freedomforum.org.np/content/publications/</a>		
<b>Annual Report</b>	<a href="http://freedomforum.org.np/content/publications/reports/annual-reports/">http://freedomforum.org.np/content/publications/reports/annual-reports/</a>		
<b>Mechanism for Information Dissemination</b>	Websites- <a href="http://www.freedomforum.org.np/">http://www.freedomforum.org.np/</a> ; <a href="http://www.nepalpressfreedom.org">www.nepalpressfreedom.org</a> , and Newsletter-Free Expression		

# No land for whistleblowers

ARTICLE 19 9 May 2017

New proposals by the UK Law Commission to reform the 1989 Official Secrets Act (OSA) could lead to the imprisonment of civil servants and journalists for disclosing information that would be available to anyone asking for it under the Freedom of Information Act, say the Campaign for Freedom of Information (CFOI) and ARTICLE 19.

The Law Commission is proposing to make it easier to secure convictions under the 1989 OSA by weakening the test for proving an offence. But the proposed weaker test would catch information that would have to be disclosed under the Freedom of Information (FOI) Act, say the CFOI and ARTICLE 19.

In a joint response to the Law Commission proposals, ARTICLE 19 and the CFOI are concerned that:

- Whistleblowers and journalists could be convicted for revealing information about defence, international relations or law enforcement that is unlikely to cause harm
  - Leaking information that anyone could obtain by making an FOI request could be an offence
  - It would not be a defence to show that the information had already lawfully been made public under the FOI Act or otherwise - unless the information had also been 'widely disseminated'
  - Someone revealing danger to the public, abuse of power or serious misconduct would not be able to argue that they acted in the public interest
  - Maximum prison sentences on conviction, currently 2 years, would be increased.
- CFOI director Maurice Frankel said: "These proposals are not only oppressive but unworkable. It is beyond common sense to make it an Official Secrets offence to leak information which anyone could obtain under FOI. The proposals would deter officials from discussing



Photo: REUTERS/Toby Melville

Judges sit in the House of Lords as they wait for the start of the State opening of Parliament, in the Palace of Westminster in London, 8 May 2013

information that has lawfully been made public. It will set the FOI Act and the Official Secrets Act on a collision course. It is not the Law Commission's job to make an ass of the law but that's what its proposals would do."

ARTICLE 19 Executive Director Thomas Hughes said: "In many countries in the world, secrecy laws are abused to imprison and harass journalists, whistleblowers and civil society, in particular in many Commonwealth countries where these laws are a legacy of British colonial control and oppression. If taken forward, the Commission's proposals would move the clock backwards, undoing improvements in the UK's 1989 Official Secrets Acts, and setting a dangerous example of eroding freedom of expression protections, which may be copied by oppressive regimes globally."

The 1989 Official Secrets Act makes the leaking of information in certain areas, and the

publication of those leaks, an offence. Some offences are committed regardless of whether the information is shown to be harmful. Others require proof that a disclosure is 'likely' to damage defence, international relations, or law enforcement, or falls into a 'class' of information likely to damage the security services' work.

The Law Commission says the 'likely to damage' test prevents prosecutions being brought, because proving this requires even more damaging information to be revealed in court. The CFOI and ARTICLE 19 point out that sensitive evidence can be given in camera during a trial of OSA offences and say the Commission has not explained why this very considerable safeguard is inadequate. 🌱

*This statement was originally published on [article19.org](http://www.article19.org) on 8 May 2017*

*(Source: [http://www.ifex.org/united\\_kingdom/2017/05/09/official-secrets-act](http://www.ifex.org/united_kingdom/2017/05/09/official-secrets-act))*

Freedom Forum is an independent, non-governmental and not-for-profit civil society organization working for the cause of social accountability, democracy and human rights focused on press freedom, freedom of expression and right to information in Nepal. Incepted in 2005, Freedom Forum has emerged as a prominent national organization in promoting access to information and freedom of expression through dialogue, research, training, public advocacy and campaign and programme implementation. Currently, the organization is working on the issues of public finance management, budget transparency, open data and aid governance, political and parliamentary accountability, freedom of expression online and open government partnership (OGP) based on its on-hand experience and learning.

Editors: Krishna Sapkota, Narayan Ghimire

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