



FreeExpression

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A NEWSLETTER OF FREEDOM FORUM

Law and Policy Discussion Lawmakers vow amendment to Media Council Bill

Freedom Forum held a multi-stakeholder discussion on 'Media Council Bill' which was under consideration in the Legislative Management Committee of the National Assembly, the upper house of federal parliament. The event was held in the federal capital city on July 30. The discussion gathered around 40 persons from diverse sectors representing parliament, media, academia, civil society organizations and law.

Most of the participants who spoke on the occasion underlined the need for amending the Bill to make it timely and contextual, while the present lawmakers from the Upper House, assured to pay heed to the concerns and vowed amendment. The discussion was held to highlight the faults in Bill and points to be amended. The Bill was registered at the Upper House, National Assembly, on April 25, 2024.

Freedom Forum's General Secretary Sanjeeb Ghimire welcomed the participants and spoke on the program objectives. The Bill is important not only for media practitioners but also for media consumers, he reminded, adding that the event would throw light on major issues and seek views from CSO and media on it.

Similarly, Executive Chief at FF, Taranath Dahal, stressed that the program was important to reinforce discussion on Media Council Bill in the context of new government formation. He informed the attendants that FF's suggestions were also incorporated in lawmakers' amendment in the Bill. Dahal shared a brief presentation on the background and objectives of the Bill. He said more clarity was required in few



provisions as on independent journalist and dignified journalism. The Bill lacks structural autonomy of the Media Council and is also not clear about appointment of chairperson and members. Moreover, it provides the council authority to regulate the social network which, actually, is beyond the council's jurisdiction because it is assigned to regulate journalistic contents only.

The proposed Media Council should be accountable to parliament and the Bill should have an approach of building media credibility rather than restricting media rights.

On the occasion, media researcher Ujjwal Acharya seconded Dahal, saying while this revised Bill addressed few concerns in comparison to the previous one, some provisions on it do not guarantee independence of the proposed Media Council. The council should be independent, autonomous and acceptable

to media industry. He specifically mentioned that Section 20.4.4 which states that the press identity card of journalists will be suspended for a year if he/she is found violating code of conduct. It must be removed, he demanded.

Advocate Pabitra Raut reminded the lawmakers whether they kept in mind the existing provision for press freedom while formulating the Bill. Our lawmaking process is principally narrow which restricts international standards for freedom of expression and speech. She also showed her concern towards not paying attention to federal context.

Reporter at the Nagarik daily, Tapendra Karki, also stressed that Section 6 of the Bill delegates authority to the concerned ministry's secretary and joint secretary which is against the norms of freedom of expression. The Bill is also ambiguous about reporting mechanism. "Who is the Media Council accountable for," he wondered.

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Message from Executive Chief

Prevent Democratic backsliding

The debates on whether free expression and media freedom are protected and promoted in Nepal are still continued. At a time when the government and parliament have not been able to ensure necessary laws and acts guaranteed by the constitution despite the passage of nine years since the promulgation of new constitution in 2015, the intimidations on the fundamental rights are also growing. Worrying that in the forefront to show hostility to citizen's rights and freedoms are the State agencies and political cadres.



Taranath Dahal

Despite this, to the new hope and relief in years that the long pending- for 18 years, an issue of transitional justice is to be expedited with the passage of a bill relating to the truth and reconciliation commission, and the commission for investigation of enforced disappeared persons from the federal parliament. The major political parties built consensus to conclude the peace process through the new Act, which is expected to cater justice to the conflict victims. The decade-long armed conflict from 1996 to 2006 is a horrible reminder in Nepal's history. Now is the time for the institutions to ensure justice to the victims of the armed conflict. However, whether the commissions would be able to cater justice is under scrutiny. Only capable human resources with effective services can serve the needy ones. But the activities in the background to pack such significant institutions under political influence is abhorring. In case the political give-and-take prevails in the appointments, the incompetent persons would not only perpetuate injustice to the victims but also expose a grim side of political commitment, while the urgency is victim-centric justice delivery. Here, a close observation is imperative.

In order for a democracy to thrive and fulfill its citizen's needs and national objectives, effective institutions equipped with clean and competent human resources are essential. For it to happen, the decade since 2015 was a significant time, as the inclusive constitution was promulgated from the Constituent Assembly achieved through decades of struggles and sacrifices. The constitution-making itself had taken eight years, dwelling on numerous issues to make the national charter inclusive and progressive. The national charter paved a solid foundation to foster democracy and strengthen federalism. Since then, the democracy was not in casualty, but the efforts to cement it fell short. The way the federal democratic system should be forwarded, thereby keeping people in centre by fulfilling democratic aspirations are slow off the mark. It has resulted into the surface of chagrin and even into the stretch that constitution has failed. It has created fear of the reversion of public mandate. The atmosphere has further incited selected traditional elites who do not like democracy.

Moreover, the emerging populism is swaying the national atmosphere decrying the corruption and bad governance rife in the country. Although this situation needs able and effective political parties and State agencies to foil the surge of populism, the parties and agencies are rather inclined to undemocratic practice. It is another worrying trend.

Nepal can not remain untouched at all when democracy is witnessing global threats. Nepal needs to make a robust internal democracy so that it would be reinforced itself to face the untoward situations. But, the democratic system building is slow placed, it may face additional challenges. To prevent democratic backsliding, fundamental freedoms, free press, vibrant civil society and liberal and open institutions count much, with equal support from judiciary and parliament. Cooperation and collaboration are utmost need at present. In the failure of these institutions, democracy can not ensure results.

With this in the background, Freedom Forum is committed to protecting and promoting democratic values through the advocacy of fundamental freedoms with broader collaboration. Unity in civil society with further activism for effective monitoring is our duty. It is our responsibility. We must not shy away from the opportunity to make Nepal a strong and successful democracy in south Asia. We are therefore devoted to work for the cause of free press, access to information, open government and all liberal values. Irrespective of limited resources, Freedom Forum is advocating for it untiringly. Our campaign to build a critical mass for it is unrelenting. 🌱

Taskforce meet on journalists' safety

A taskforce under the Journalists' Safety Mechanism (Directive on Formation of Safety Mechanism and Work Procedure for the Protection of Freedom of Expression) of the National Human Rights Council (NHRC) held a meeting at Dhulikhel, Kavre on September 27-28. The meeting chaired by Acting Chief Secretary Dr Tikaram Pokhrel dwelt on the status of journalists focusing their safety and rights. The senior Joint Secretary at NHRC, Yagya Adhikari, who is also the coordinator of the taskforce under the Mechanism made presentation on the activities carried out by Directive Committee. He appreciated the monitoring of freedom of expression including press freedom violations conducted by Freedom Forum and regular update to the NHRC Directive Committee so that it could mobilize the province level mechanism and province level NHRC offices to act promptly in the needy cases/incidents.



Mr Adhikari shared that the province level mechanism in Koshi Province had visited the Dharan Metropolitan City Office and discussed intimidation to journalist Dhamala. Information provided by FF was useful to take stock of the journalist. The meeting welcomed the Nepal Police's prompt cooperation, especially in case of journalist Sanjita Dhamala in Dharan City. With police persons' timely intervention, she was able to escape attack and injury. She was being attacked by the followers of Dharan City Mayor at a hospital. Even a presentation by the Freedom Forum featured in the meeting. Monitoring of FoE violation categorizing into three groups- violations relating to right to information, to media freedom and to the citizens' rights- were presented on the occasion.

The meeting attended by the taskforce members from NHRC, representative of the Federation of Nepali Journalists, representative of Nepal Bar Association, representative of Human Rights Cell of Nepal Police, Executive Chief of Freedom Forum decided to prepare an annual report of the Committee after collecting details from province level, provide orientation to the province level (mechanism) as part of capacity building, translate the Directive into English and publish with necessary amendments, among others. 🌱



Freedom of Expression Violations

Koshi Province

Journalist attacked by Mayor Sampang's supporters

Freedom Forum was alarmed over Dharan Sub-Metropolis Mayor Harka Sampang's gross misconduct and misuse of power to manhandle female journalist Sanjita Dhamala. Dhamala is a journalist at an online news media-purbeline.com.

Reporter Dhamala shared with FF that during a public hearing event, she informed the mayor about a public complaint of bribe seeking by people's representatives for a recommendation of citizenship certificate in Dharan. The event was held on July 3.

"Then, on July 5 Mayor posted on his Facebook page asking me to meet him in his office with whatever evidence I had. He wrote in a way that discredited my profession", said Dhamala.

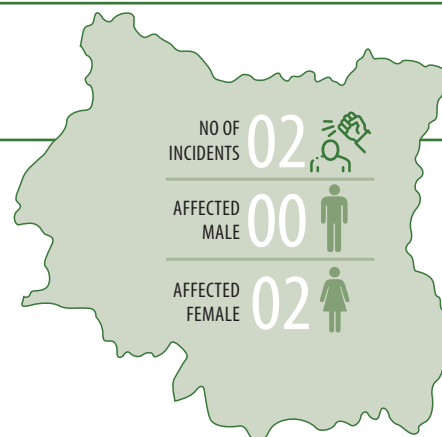
Reporter Dhamala reached the Dharan Sub-Metropolitan office to meet Mayor Sampang

on July 5. He not only grilled the reporter Dhamala at his office chamber but also mobilized police persons to misbehave and manhandle her. They forcefully took the reporter out of the office at the Mayor's order. Reporter Dhamala got bruises on her body and her eye glass broke during the incident.

Reporter Dhamala told Freedom Forum that she would like to file a lawsuit against the Mayor for the harassment and defaming her and media profession. Moreover, she sought cooperation from human rights agencies and fellow journalists.

FF has been providing legal support to her.

It was a sheer irresponsibility and disrespect shown by a people's representative towards media and a journalist. This incident shows growing intolerance of public officials towards media and journalists. The public agencies and officials are expected more accountability towards people and respect critical views. Intolerant behavior is detrimental to free reporting.



Moreover, journalist Dhamala was again attacked by the supporters of Mayor Sampang on July 17.

Dhamala shared with Freedom Forum that while she was waiting in a line for treatment at BP Koirala Institute of Health Sciences, Dharan, a group of 15-20 people attacked her, saying they were supporters of Mayor Sampang. They tore her clothes in the attack.

Dhamala was, however, rescued by the security persons at the hospital. Later, she lodged a complaint at the District Police Office, Sunsari seeking a legal action against the attackers. Police arrested five attackers, while remaining ones are yet to be identified. On July 18, police again arrested two attackers.

According to her, the incident was a result of Mayor Sampang's supporters' vengeance against her.

Madhesh Province

Brief control

Journalists R N Biswas, Navin Gupta and Bidhyanand Ram were briefly taken under control at a rural municipality office in Saptari on August 6.

RN Biswas is a Saptari based correspondent to Kantipur Television, Navin Gupta is associated with Rajbiraj daily and Bidhyanand Ram is a local reporter to the Nepal Samacharpatra daily.

Freedom Forum's representative for Madhesh Province Rajan Singh said that the journalists were taken under control while taking a video of Rajgadh rural municipality office premises.

"They reached the municipality office to report on a program where locals and people's representatives were about to submit a memorandum to the municipality chairperson OM Prakash Mandal for holding village assembly illegally. As the program was delayed, reporters started taking videos of the premises. Meanwhile, Chairperson Mandal came and asked the reporters why they entered the office rooms without permission and took them under control in the room briefly. He also seized camera and boom.

Later, fellow journalists came to the office and opened the door where reporters were locked.



"We are unable to do journalism fearlessly after the incident", shared reporter Biswas.

However, the chairperson returned reporter's belongings back after a while.

Threat

Siraha based correspondent with Prime Television Mukesh Yadav received a threat for reporting news critical to a local representative on August 12.

Freedom Forum's representative for the province Rajan Singh reported that Yadav received the threat after a publication of news on a web portal newskarkhana.com on August 7. The news about Dhangadhimai municipality staffs and local representatives' involvement in illegal money collection from consumers for drinking

water borehole installation in the municipality was broadcasted on the television channel on August 11.

Thereafter, the municipal chief Shiv Shankar Mahato called on reporter Yadav's mobile phone and threatened to remove the news from

both media. Chief Mahato referred to the reporter as a man of straw and asked him to verify the news or face consequences. The Mayor also threatened another journalist Manilal Bishwakarma working at the Nayapatrika national daily. "But we chose to stay silent and continue reporting", said reporter Yadav. 🌿

Bagmati Province

Threats

A. Editor and reporters at diyopost.com online media received a threat for publishing news on July 26. The incident took place in the media house located in the federal capital Kathmandu.

Talking to Freedom Forum, editor at the news portal Sudip Bishwakarma shared that they published a critical news about a religious leader Bijay Bhandari.

On July 18 and July 25, the media published two news mentioning Bijay Bhandari, later self-proclaimed 'Yogishwor Bijay Krishnamurti Maharaj' as a fraudster for collecting a huge amount of money from the general public in the name of religion. Bhandari is also a manager of the Manav Sewa Foundation, the organizer of the 'Kotihome', a ceremony ongoing at Pashupatinath Temple.

After the publication of news, a media coordinator of the foundation Ashmita Poudel called editor Bishwakarma and asked him to remove the news from the website. She also threatened him with a message on Whatsapp to visit the temple to talk in detail.

Thereafter, four people including Poudel reached the office of Diyopost online. "Coordinator Poudel again asked me to delete all the news from the media. I told her to adopt a legitimate way for any objection to the news instead", shared editor Bishwakarma. Three men standing in the lobby also tried to enter the room forcefully and spoke foul in the newsroom threatening the reporters Khuma Oli and Tekman Shakya.

B. A reporter at nepalgroundzero.com Subhak Mahato received a death threat for his news story on August 10. The news portal is operated from Kathmandu, Bagmati Province.

Talking to Freedom Forum, reporter Mahato shared that he had been following updates on Pokhara International Airport since its construction. "In this context I uploaded a video and news about the alleged involvement of Director General at Civil Aviation Authority of Nepal (CAAN) Pradip Adhikari in a scam of more than Rs 15 billion during the construction of the airport on August 9", Mahato said.

"Thereafter, an unknown person called on my WhatsApp number from an international number 1(678)5236569 and spoke foul to me. He also threatened me of taking life and my family members", reporter Mahato informed, "He also warned me to stop writing news against the CAAN and the airport or face consequences."

Female journalist receives threat

A reporter with capitalnepal.com Dilu Karki received a threat of attack for a news story published on the portal on August 6. The news portal is operated from Kathmandu.

A news story about an illegal transaction from Australia to Nepal through a fake company was published on the portal in reporter Karki's byline on August 4. According to the news, 'Namaste Remittance' company is involved in remittance activities without permission from Nepal Rastra Bank, a responsible authority to govern monetary and foreign exchange policies in Nepal. The news has cited screenshots of Whatsapp messages and transaction messages of the company sent to its clients.

Following its publication, a person calling himself 'Raju' phoned Karki and asked her to delete the news or face consequences. Reporter Karki received 12 calls from number +097100 on her



mobile. The caller also accused reporter Karki of accepting bribes to write news against them.

He threatened Karki that he knew her and her family and he would do anything to defame and attack her and her family members if she did not delete the news. Thereafter, Karki suggested the caller visiting the Press Council Nepal for any concern over news content instead of threatening her.

She filed a complaint at District Police Range, Kathmandu against the caller on August 6.

Editor intimidated over news title

Editor at ukeraa.com online media, KP Dhungana, was called by a Press Council Nepal's staff over a news story published by the portal on August 2. The news portal is operated from the federal capital Kathmandu.

Talking to Freedom Forum, editor Dhungana informed that Prem Chandra Badu, a media monitoring officer at Press Council Nepal, phoned Dhungana over the news about candidacy of Chairman at Film Development Board and asked him to correct the headline of the news. The news was about a person alleged of sexual abuse and was vying for Board's Chair.

According to Dhungana, Badu called him and said, "I am a staff of PCN. Balami, mentioned in the headline of news, has filed a complaint against you, so you edit the headline of the news."

Council's diktat was quite unwelcoming for free press; its regulation of media contents

has created a panic among media persons and induced self-censorship, Dhungana argued.

Attack

A. Sub-editor at nepalviews.com Shyam Sundar Pudasaini was attacked and threatened of death while reporting in the federal capital on August 17.

Journalist Pudasaini reported on a religious ceremony 'Kotihom' ongoing at Pashupatinath Temple, Kathmandu on August 13. In the news he wrote about fraud and corruption for the organizers were deceiving the devotees in the name of religion.

Talking to Freedom Forum, Pudasaini shared that on August 16, Pudasaini was reporting live of the Kotihom event from the temple premises. Meanwhile, he wrote a post about ongoing speech on his social media page. Then, the host

called Pudasaini on stage and asked, "Are you in support or against us?"

Thereafter, the crowd pushed the journalist onto stage, and started beating him. People in the crowd also threatened him of life. They not only attacked him but also robbed him of the purse, license, helmet, etc. Pudasaini sustained minor injuries on his head due to attack. Journalist Pudasaini informed FF that he lodged a complaint at the District Police Office, Bhadrakali August 18. The case is under investigation at District Police Range.

B. Senior reporter at Mega Television Bharat Lamichhane was attacked on September 20 in Kathmandu.

Reporter Lamichhane shared with Freedom Forum that in an early morning he was on his way to the television office for work. Then, he noticed two persons riding motorbikes following him. After observing them for a while,

Lamichhane took photos of the followers. In return, they seized Lamichhane's mobile and asked him to delete the photos. They also threatened him to apologize and then started beating him.

"After about half an hour, police arrived and rescued me. Later, I knew that one of the attackers was Ward Chairperson of Kathmandu Metropolitan Office ward no. 10. Police did not arrest them", reporter Lamichhane added, "I have a severe headache and bruises all over body."

"Police took me to Tinkune police station, returned my mobile phone back and then, called the attackers. Ward Chairperson came to the police station and asked for reconciliation. I refused and asked the police to see the video footage of incident", reporter Lamichhane informed.

Lamichhane tried to lodge a complaint at the police station, which they denied registration. Thereafter, he filed the complaint at the District Government Attorney Office, Kathmandu and the National Human Rights Commission. 🌱

Two journalists awarded three months' imprisonment on contempt of court case

The Supreme Court of Nepal handed down three months' imprisonment each to Publisher Yubaraj Kandel and Executive Editor of an online news portal, sidhakura.com, Nabin Dhungana over a contempt of court case on September 29. Sidhakura.com is also fined Rs. 5000.

The extended full bench of the court issued the verdict on the case where journalists duo were facing contempt of court for publishing the allegedly 'fake' news. The court order reads: Though the journalists stated that their intention was merely to publish and broadcast the content they received and not to commit the contempt of court, they failed to make a sincere apology.

The Supreme Court's extended full bench comprising nine judges including the Chief Justice, however, issued the verdict that if the journalists confessed contempt of court and made an apology with a written commitment of not repeating such an act, punishment to them would be no more than a week's imprisonment.

Earlier on April 26, 2024, news along with an audio clip was published on the web portal claiming the alleged involvement of former Supreme Court justices and senior advocates on a dismissal of more than 400 corruption-related cases in the court.

In the verdict on Sept 29, the court argued that the publication of the audio was not a case of mere recklessness but had a malafide intention. It tarnished the image of the judiciary and contributed to creating distrust in court, the judges asserted in the verdict.

On April 28, the court authority had presented a report to the justice demanding action against the news portal for the attempt of contempt of court. In response to the report, SC ordered the online media to take down the published contents within 24 hours and not to republish till next decision on April 29.

Similarly, the Press Council Nepal had censured the online news portal to remove the content and appear before the Council for discussion and clarification.

After the Supreme Court's order, the online removed all of its contents named under 'The Dark File' series publishing a statement for its readers on April 30. The Supreme Court had also issued the order to the publisher and editor to present evidence to substantiate the news on May 2.

Meanwhile, the person providing the audio clip to the journalists has been awarded six months' imprisonment. Later, journalists were released after a week following their apology note submitted to the court as directed in the court's order. However, they are still facing charges under Electronic Transaction Act for news publication and sharing on social media.

"Media and its editor should be responsible for its published contents and the news received from any source should be subject to a series of fact check and verifications before publication. Moreover, in case of any mistake immediate correction and apology is the duty of a responsible press", noted Freedom Forum's Executive Chief Taranath Dahal. 🌱

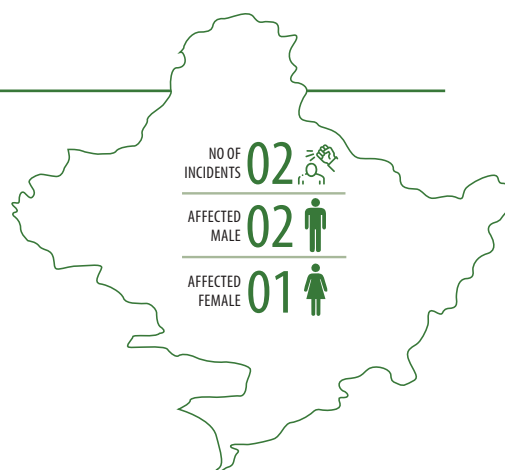
Gandaki Province

Journalists Binu Thapa and Suraj Thapa were attacked while reporting a protest at Prithvi Chowk, Pokhara on July 28. Binu Thapa is associated with Pokhara Television and Suraj Thapa with an online media.

According to Freedom Forum's representative for Gandaki Province Rajan Upadhyaya, reporters duo reached the site to report on the ongoing protest of the Federation of Nepal Transport Entrepreneurs Gandaki Province committee. The committee members were protesting against the province government's approval to start ride-sharing services in the province.

The mob of protestors suddenly attacked journalists riding Ga 20 Pa 3973 scooter while they were recording video of the protest. Although the reporters told them that they were media persons, the protestors did not stop but tried to seize the camera. They also vandalized the scooter. The reporters were, however, rescued by on-duty police officers.

Representative Upadhyaya quoted District Police Office Chief Superintendent of Police Mohan Kumar Thapa as saying, "Among the attackers, four- Surya Nepali, Buddhi Bayalkoti, Prashan Gurung and Santosh Basnet- were



arrested and the police were searching for the remaining attackers. SP Thapa further informed that the attackers would be prosecuted under indecent behaviour charge.

Threat over news on minister

Journalist Amrit Subedi received threatening comments from a province minister in Kaski on July 28. Journalist Subedi is a Gandaki bureau chief of www.onlinekhabar.com.

According to FF's representative for the province Rajan Upadhyaya, news about Gandaki Province's Physical Infrastructure Development and Transport Management

Minister Rajeev Gurung was published on the news portal on July 27. The news stated that Minister Gurung was found wearing a non-formal dress while working in his office. The online also quoted office employees as saying that Minister bad-mouthed office employees under the influence of alcohol.

Following the news publication and on the day two reporters were attacked while reporting a

protest in Kaski, Minister Gurung said that journalist Subedi should have been attacked instead of those two reporters.

In response to Minister's statement, journalist Subedi posted on his social media page X: "After the incident at Prithvi Chowk, Minister abused and threatened journalists. How can we feel safe after such statement of the minister towards journalists in Kaski?"

Lumbini Province

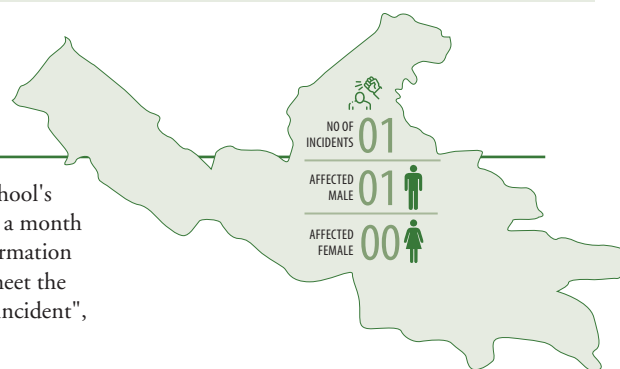
Attack for requesting information

A Station Manager at Radio Malmala 88.6 MHz Tika Ram Kharel was attacked at a local school in Rupandehi on July 8. Rupandehi district lies in Lumbini Province of Nepal.

According to journalist Kharel, he had registered an RTI application requesting information on the budget allocated and expenses

for Saina Maina Model Secondary School's construction and functional activities a month ago. "I was not satisfied with the information provided by the school so I went to meet the principal of the school on the day of incident", he added.

"While I was walking towards the Principal and Chairperson in school premises, security guard at school suddenly started beating me with a stick. I received an injury in my hand.", Kharel informed.



At a time when Nepal is in dire need of good governance and transparency in public bodies, the hostility meted out to information seekers is condemnable. The concerned agency needs paying heed to it.

Karnali Province

Manhandle

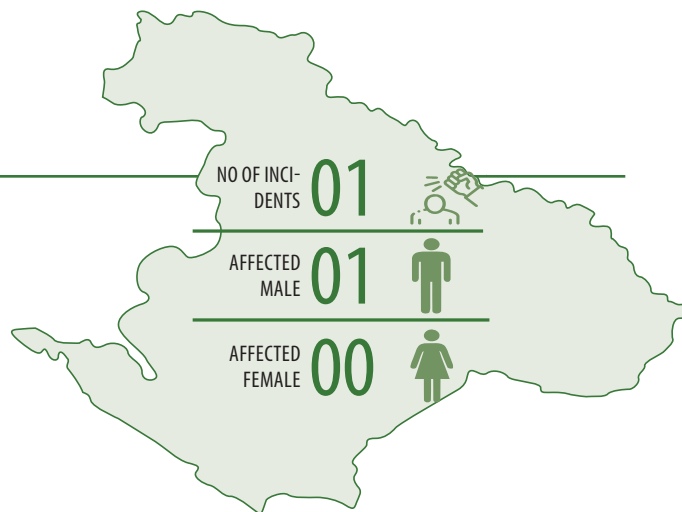
Journalist at karnaliawaj.com Mohan Singh was manhandled while reporting in Jajarkot on August 2.

According to information provided by Freedom Forum's representative Laxmi Bhandari, reporter Singh was at the Health Service Office, Jajarkot to report on the mismanagement and negligence of the health office as per information provided by the locals.

"Reporter Singh went into the hospital to know about doctors' presence but they were unavailable. Then he clicked the photos of empty desks and chairs. Meanwhile, a nurse

Ganga Regmi approached him, spoke foul and also tried to beat him", shared representative Bhandari quoting reporter Singh.

"Nurse Regmi also called police persons from a nearby District Police Office. Thereafter, police persons seized Singh's camera and deleted all the photos", added Bhandari.



Reporter Singh later lodged a complaint at the District Administration Office and District Police office demanding punishment against the nurse Regmi on August 5.

Action against 31 YouTube channels and social media pages

Yet again, a media regulatory body, Press Council Nepal, has taken action against 31 media broadcasting on YouTube channels since July 1. The Council released a statement on July 15 stating- three YouTube channels Hello TV Nepal, PNP Media Pvt. Ltd and Nagarik Patra TV- were asked to remove controversial contents from the media and furnish clarification at the Council. Three media had published the contents critical to political leaders, it argues. According to the Council, these contents inflicted violence and terror and were published with sensational views.

Similarly, the Council also wrote to the Nepal Police Cyber Bureau to investigate and take action against 28 other YouTube channels and their social media pages. It further states that the social media pages which were not affiliated with any media were ordered to immediately remove contents that violated individual privacy and were misleading and obscene. "Press Council Nepal is an authorized body to monitor registered media and seek clarification but its action against social media pages and YouTube channels is against its authority and jurisdiction. PCN's intervention in monitoring and regulation of these platforms is the sheer misuse of its authority. Such action of the Council certainly curtails freedom of expression," argues Taranath Dahal, Executive Chief at Freedom Forum.



Freedom Forum, a Trust Law member

Freedom Forum is delighted to announce that it has become a member of the Trust Law- the largest global community for media development, media freedom and journalists' support.

Trust Law, a global pro bono legal network of Thompson Reuters Foundation, provides free

legal support, research and resources to civil society organizations and non-profit independent media across the globe. The network leverages expertise of over 120,000 lawyers across 190 countries.

In Nepal, the networks explores the scope of legal research to strengthen policies that protect

the rights of journalists in Nepal, and offer legal advisory services to support organizational operations.

FF believes acquisition of the membership of Trust Law would help make FF activities globally visible and build further network for the cause of democracy and journalists' rights.

Youths arrested for sloganeering against politicians

Three youths were arrested from Tundikhel, Kathmandu for chanting against the Prime Minister and senior leaders on August 27. Gopikrishna Jaisi, Dipak Thagunna and Ram Bahadur Budha were arrested for sloganeering against the leaders at Gaura festival celebration event held on August 26 at Tundikhel. Prime Minister, President of Nepali Congress, Minister of Culture, Minister of Forest and Environment, and Minister for Industry were present in the event. Superintendent of Police at District Police Office, Kathmandu Nabaraj

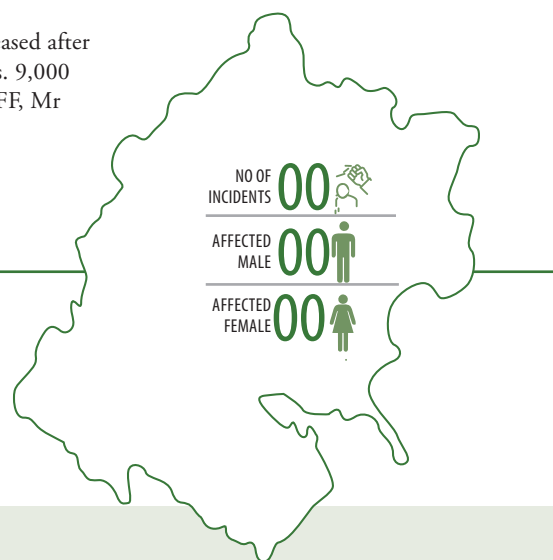
Adhikari informed the Freedom Forum that they were detained for inquiry on the case. On August 28, the District Administration Office, Kathmandu ordered the police to keep them in police custody and investigate for offense against public peace. According to the order, Jaisi and Thagunna would be kept in police custody for nine days and Budha for five days.

Later on August 30, they were released after paying security deposit amount Rs. 9,000 each. On this, Executive Chief at FF, Mr

Dahal commented, "Protests and criticisms against the government in a democratic country are normal. Arresting and detaining citizens merely for protesting against government and leaders is a sheer violation of freedom of expression and right to peaceful protest. This act is a severe misuse of the state's position and power."

Sudurpaschim Province

No incident of press freedom violation was recorded this quarter in Sudurpaschim province. It is welcome in deed that journalists and media houses did not face any obstruction, threat and intimidation.

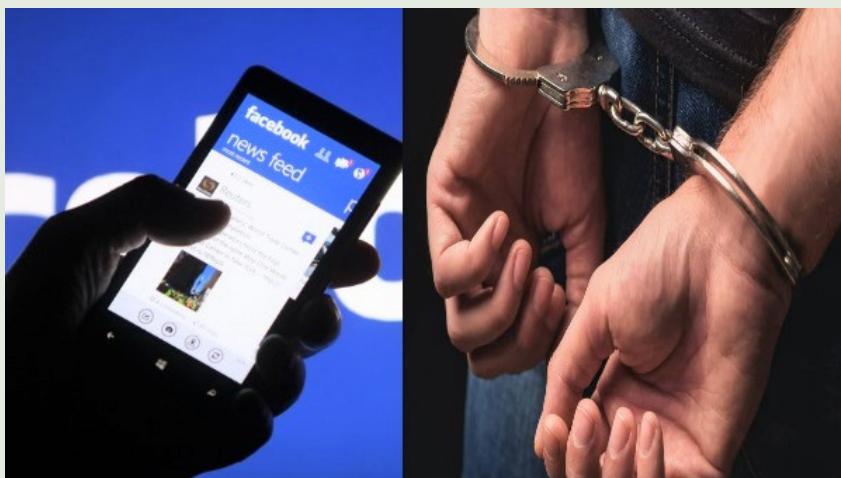


Activist arrested for social media post

A social activist Ek Bahadur KC was issued an arrest warrant for his statement on social media against local development activities on September 27. KC is in a detention of the District Police Office, Baglung.

During an interview with an online TV, KC had given a critical opinion about the Baglung Bus Park which could not come into operation even after inauguration. He said that if the government fails to operate the bus park within a month, locals will protest and destroy the inscription carrying Gandaki Province Chief Minister Surendra Raj Pandey's name. The inauguration was held on September 3.

In response to his statement, the Baglung municipality chief Basanta Shrestha lodged a complaint against KC at the District Police office Baglung on September 10. Then, the police issued an arrest warrant against KC



on September 11 reasoning offense. According to police sources, KC was accused of disturbing social harmony through social media as per the complaint filed by the Baglung municipality, and his detention period was extended by 5

days. Assistant Chief District Officer, Chitragat Baral, however, said that the administration was unaware of the case and that the actions taken against KC are unjust.

Continued from page 1

General Secretary of Nepal Press Union, Dilip Paudel, argued that the Media Council seems to be state-controlled as the provisions suggest in the Bill. The appointment process involving government draws concern and is biased, he added.

Researcher Umesh Pokharel said that the introduction section of the Bill for 'online journalism' should also look after the 'comments' posted on the online media. The Bill should also be made clear in context to source of funding to the council.

Advocate Shyam Kumar Khatri argued that the council's structure seems to depict the Panchayat system of Nepal. The council's chairperson should be the one from among the veteran journalists rather than judge.

Narayan Kafle, a reporter from the Gorkhapatra daily, said that Section 18.2 is also unclear on the type of business of media and journalists.

Chairperson at Media Action Nepal, Laxman Datt Pant, pointed that state can neither determine independence of media nor interfere with its self-regulation. We should also note that media owner's protection is also journalists' protection. Moreover, Section 25 speaks about financial donation which is vague. If any media is funded by the state, it will be more biased and government-controlled, according to him.

Program Director at Sharecast Initiatives, Bhumi Raj Chapagain, said that the Bill was more control-oriented, so it failed to reward and encourage the journalists. In section 5.4 of the Bill, more clarity is needed on what should be done or it should be removed, he said adding, the Bill looks much bureaucratic.

Journalist from Humla district, Karnali Province, Nabaraj Mahatara also expressed his concern upon appointment process and accountability of the media council. He asked the lawmakers be aware that the code of conduct may be different for a radio and an online media. Similarly, code of conduct for a media operating in Humla may be different from those operating in Kathmandu.

Chairperson at Sancharika Samuha, Bimala Tumkhewa, claimed that the Bill should explicitly mention appointment of women member and staff in the council's structure.

Senior journalist Namrata Sharma added that the provisions critical to freedom of press must be deleted from the Bill.



News editor at Nepal Television, Saloja Dahal, marked that the Bill should be prepared in the context of federalism. Moreover, section 7.2 about qualification of the council members should also include 'moral behavior' of the members. Section 21.2 about reconciliation among journalists and complainants should be more clear on ways for reconciliation.

Advocate Man Bahadur Lamichhane said that self-regulation of media should be promoted and the regulations of the council should be in multiple languages.

Media researcher Devraj Humagain stressed that section 7.2 should not be deleted from the Bill as it speaks about discipline and behavior of the members. He further claimed that the council will not be autonomous if controlled by the ministries. In case of complaints, the time limit for adjudication process should also be mentioned, he said.

Editor at www.technologykhabar.com, Anuj Raj Dhungel, asked who would regulate the contents published on social media such as YouTube and news aggregation sites such as Hamro Patro. "How can citizen journalism be guided and monitored?", he questioned. Also, introduction to media organization should be clear to differentiate online and mass media. Section 17 about self-regulation is vague, he observed.

Chief Monitoring Officer at Press Council Nepal, Jhabindra Bhusal, said that the Bill should address news producers and social media pages operated by the registered media. Similarly, the council should establish its contact offices in all the seven provinces. Section 25.2.1 dealing with financial autonomy should also be reviewed, he noted. He made it clear that council would not monitor social media pages of non-journalistic media.

Chairperson at ACORAB Arjun Giri also said that the Bill should be in line with the federal structure. He worryingly said that he does not see good future of implementation of the Bill.

Senior Joint Secretary at National Human Rights Commission (NHRC), Yagya Adhikari, commented that the Bill lacked gender inclusion, and financial and functional autonomy of the council. Definition of 'journalist' should also be widened and control mechanism in the Bill should be wiped out, he emphasized.

Noted journalist and President of Nepal Press Institute, Tirtha Koirala, marked that today's media lacks trust and credibility rather than discipline. The Bill should not be passed without proper consultation; consultation is required even with the Bill drafters. The Bill should also define the landscape- 'which particular agency' is responsible for conducting training and which for conducting monitoring and regulation. It should also have clear provisions on whether content producers or platform should be punished for violating code of conduct.

Responding to all comments, Honorable Lawmaker in the National Assembly and Member of the Legislative Management Committee, Narayan Datta Mishra, stated that all the members in Legislative Management Committee were unified to remove issues incongruent to the preamble of the Bill and even the ministers had vowed press freedom. He also assured that only veteran journalists with good conduct would be appointed in the council.

Similarly, Honorable Lawmaker Ganga Kumari Belbase addressed the participants' comments, saying issues of both regulation and independence of the council would be ensured in the Bill. "We are also deeply studying how to prepare the media-friendly Bill. We will try our

best to ensure ownership of all concerned sides to the Bill”, she confirmed.

Next, Honorable Lawmaker and Legislative Management Committee Member, Tulasha Kumari Dahal, shared that the Bill would be approved unanimously so that it would not be biased. She acknowledged the participants’ view that the Bill’s preamble ensured autonomy of the Media Council whereas latter part was control-oriented. “The committee is preparing a balanced proposal on the Bill, so we are ready to make the Bill acceptable to all concerned sectors,” she shared.

Moreover, Honorable Lawmaker Kamala Pant informed that the committee members themselves were freedom fighters. Therefore, all the suggestions brought forth in the discussion

would be addressed to make the Bill effective, she believed. Any provisions unclear and undefined would be removed to make the Bill acceptable and FoE-friendly, she reminded.

Concluding the discussion, FF’s Chairperson Hari Binod Adhikari expressed gratitude to Honorable Lawmakers and Members of the Legislative Management Committee under the National Assembly for pledging correction in Bill so that it would be in favor of press freedom and freedom of expression. “Let’s hope that the Bill would be improved and approved with formation of autonomous and media friendly Media Council which further contributes to free, fair and sustainable journalism and media,” he added. The program witnessed the participation of 46 participants including 12 females.

in public access to budget information in Nepal. “Despite advocacy efforts from civil society organizations and media, Nepal has not yet produced and made publicly available the Pre-Budget Statement (PBS) and Citizen Budget,” Dahal added, citing the report. Also speaking on the occasion, other speakers underscored the need to continue piling constructive pressure for budget system reforms.

Freedom Forum received more than 100 reform agendas from the various participants & representatives in the discussion program for the improvement of transparency of budget and improving Nepal’s public fiscal Management. Further Freedom forum voices regular dialogue and engagement between the multi-stakeholders of the budget is necessary. 🌱

Augment transparency, citizen engagement and oversight in budget system

Stakeholders working in budgetary reforms stressed the robust role of oversight agencies with utmost disclosure of budget information and opportunities for citizen engagement in budget process.

At a multi-stakeholder’ dialogue ‘Budget Transparency in Nepal: Issues for Reforms’ organized by Freedom Forum in Kathmandu, they expressed concerns over the feeble role of oversight agencies in budget accountability. Auditor General Toyam Raya lamented negligence on discussion over the annual reports in the parliament since 2055 BS. He vowed widening the space of citizen engagement in audit process and put efforts to address grievances to be received from citizens and concerned agencies on audits.

The Auditor General also recommended specific discussions on the annual audit findings and recommendations in terms of ministry and agency for budgetary reforms. He also highlighted the need to amend 200 existing laws for budget transparency and accountability.

Secretary at the Federal Parliament Sudarshan Khadka underscored on parliamentary control over budget in the Westminster system of governance. “Only disclosure of budget documents and information does not enhance accountability”, he said, adding budget should



be prepared in wider consultation with the people at large. He called for civil society organizations and media to continue dialogue on budget issues in tandem with parliament to change the existing mindset that ‘budget is of executives’. Public Finance Management (PFM) expert Suresh Pradhan said the long-held narrative on the budget as the affairs of Ministry of Finance and some economists has been changed with initiatives from CSOs and development actors. He called for the media to report the budgetary issues in all six stages of budget cycle from planning to external audit.

Pradhan also lamented the ignorance towards the compliance of seven-step planning process at the local level which he claimed has brazenly shrunk civic space in budget. Ministry of Finance representative Nirmal Dhakal stressed the need to revise our budget laws and documents to benefit the citizens in compliance with the allocation efficiency, value for money and fiscal discipline. “Establishing mechanisms and systems alone has not improved our accountability. Our overall budget system does not stick to the real absorbing capacity while formulating budget which has created a challenge in accountability”.

According to senior economic journalist Gajendra Budhathki, budget is the legal documents comprising five laws, including appropriation act and economic act but generally our decision-makers understand budget as a budget speech presented by the Finance Minister every year on Jeth 15.

“There is an urgency of rolling out budget literacy to the law-makers and policy makers”, he said, adding there is almost no budget discussion in the parliament, especially in the finance committee. He recommended parliaments of all tiers – federal, provincial and local to set up a regulatory mechanism to oversee budget execution. As 34 percent of the total budget goes to the sub-national governments, there needs robust checks and balances for budgetary accountability. Former Deputy Auditor General Maheshwor Kafle said the national laws should include arrangements of ownership, participation and oversight to improve budget efficiency and credibility. Executive Director of National Campaign for Sustainable Development Nepal, Daya Sagar Shrestha, called for improving coordination between the three-tiers of governments to avert duplication and overlapping in planning and budgeting and make oversight by parliament, CSOs and media on budget functional.

Programme Coordinator of the National Association of Rural Municipalities Nepal (NARMIN) Pratigya Neupane batted for GESI consideration in framing budgets in all tiers of the governments. CSO leader Kedar Khadka called for Public Accounts Committees to routinely discuss the audit reports for reforms. “The

Policy Update

Nepal brings PSB law to cheer media development

Freedom Forum is pleased to share a legislative development on the much awaited media law that was advocated for over two decades in Nepal. President of Nepal approved the Public Service Broadcasting (PSB) bill today (October 8, 2024). It will come into effect after 31 days. The Bill was passed by the federal parliaments, thereby paving way to transform the State-owned media- the Radio Nepal and the Nepal Television into the PSB on September 10.

The bill was under consideration at the parliament for four years. Freedom Forum feels it proud that its continuous advocacy since 2007 has been realized.

Irrespective of the provisions that lack international standards, the passage of the PSB law is a milestone to transform the State-owned media. Freedom Forum is of the view: Passage of the PSB bill from Nepal's parliament is a milestone on media development and lawmaking in this sector. Still, there are some provisions to be standardized. But the progress made by the parliament carries much significance to further development in media sector.

The transformation of two different State media entities- the Radio Nepal and the Nepal Television- would be unified to function as public service broadcasters. Freedom Forum had actively involved in the

initiation of the concept of PSB in Nepal, engagement of national and international stakeholders, advocacy with parliament and expertise sharing on it. From making model PSB bill to making aware the lawmakers FF unwavering efforts are now realized. Now onwards, FF sees two responsibilities: a) taking into implementation the newly brought PSB law, and b) continuing efforts to better the provisions in the law. FF is keenly observing the transition- the Bill will be translated into Law after the President certifies it, and enforcement goes ahead. 🌱

OAG report should also cover the ignorance in the practice of seven-step planning process at the local level for accountability purpose”.

Budget researcher Anirudra Neupane called for including macroeconomic data and projection of impacts on economic and fiscal landscape in the

pre-budget statement – one of the key budget documents assessed in the open budget survey. Local governance expert Lekhnath Pokharel demanded consistency on medium-term expenditure framework, annual policy and programme, plan and budget as well as fair role of the OAG for systemic budgetary reforms. 🌱

Open Budget Survey-2023 findings presented

Nepal's Open Budget Survey (OBS) findings and recommendations were presented and discussed on the occasion. On the occasion, Freedom Forum Executive Chief Taranath Dahal presented the OBS findings highlighting gaps in budget transparency in Nepal.

Noting that Budget is a crucial part of the social contract between the state and the citizens, he said budget transparency is the core issue of good governance and the central of democracy and development. The OBS 2023 has revealed that Nepal has improved its budget transparency score to 50, higher than the global average of 45 out of 100. Nepal scored 31 in public participation in the budgetary process, significantly higher than the global average of

15. However, the country scored 36 in legislative oversight, below the global average, while the Supreme Audit Institution (SAI) oversight score of 67 exceeded the global average.

Despite this improvement, Nepal's budget transparency score falls short of the minimum threshold score of 61, necessary to foster an informed public debate on fiscal policies and practices, according to the OBS summary.

Nepal now ranks 59th out of 125 countries surveyed in 2023 based on the International Budget Partnership's (IBP) latest Open Budget Survey. The overall results indicate an improvement access to budget information in Nepal. “Despite advocacy efforts from civil society organizations and media, Nepal has not yet

produced and made publicly available the Pre-Budget Statement (PBS) and Citizen Budget,” Dahal added, citing the report.

Also speaking on the occasion, other speakers underscored the need to continue piling constructive pressure for budget system reforms. Freedom Forum received more than 100 reform agendas from the various participants & representatives in the discussion program for the improvement of transparency of budget and improving Nepal's public fiscal Management. Further Freedom forum voices regular dialogue and engagement between the multi-stakeholders of the budget is necessary. 🌱

Multi-stakeholders discuss digital platform governance in Nepal

The parliamentarians from both the House of Representatives and the National Assembly committed to making the laws related to digital platform governance human rights-centered. In the workshop cum orientation, they were made aware about various aspects of digital platforms like freedom of expression and privacy so that they could make their role effective for contextual, accountable, inclusive governance of digital platforms.

They made commitment during the two-day workshop held in Kathmandu from September 13-14. Freedom Forum collaborated with UNESCO and the federal parliament to conduct the workshop on “The Governance of Digital Platforms Emerging Trends and Good Practices” Total 26 Members of Parliament, and around 46 representatives from the parliament’s secretariat, National Human Rights Commission (NHRC), Ministry of Communications and Information Technology (MoCIT), civil society organizations, media and academia attended the workshop.

The first day of the workshop witnessed and exploration of human rights-centered approaches for the governance of digital media platforms in Nepal, while closed session was held among parliamentarians, government officials and representatives from NHRC.

During the session, UNESCO Representative to Nepal, Michael Croft, and an expert from UNESCO head office shared the recently launched “Guidelines for the Governance of Digital Platforms” which aims at promoting freedom of expression and access to information while mitigating the risks associated with content. The guidelines also emphasize the responsibilities of governments, platforms, intergovernmental organizations and civil society in establishing independent governance systems and minimizing the fragmentation of regulatory efforts globally.

In the program, Deputy Speaker Indira Ranamagar and NHRC’s Commissioner Manoj Duwadi stated that the workshop would be a great learning experience for the lawmakers and other concerned stakeholders to draft laws and policies protecting rights of Nepali people



in digital platforms in line with international standards of human rights.

Freedom Forum’s Chief Executive Taranath Dahal facilitated the session that dwelt on government’s efforts on digital laws, parliament secretariat’s role and NHRC’s watch on human rights aspects on digital sphere. He also shed light on nature of digital platforms and need for protecting and promoting FoE on digital spheres.

He believed the UNESCO guidelines would be a helpful tool to create policies to regulate digital platforms in Nepal.

On the second day, an open discussion was held among parliamentarians and representatives from CSOs, media and universities. Tiktok representative Sidra Jalil expressed commitment to localizations of Tiktok standards and guidelines for content moderation and Tiktok governance. Though there is a timeline of 15 days to remove the harmful Tiktok content based on the complaints received from the community guidelines, they will promptly respond to harmful contests against children and minorities, and so on, she added. She, however, acknowledged the issue of the language barrier and the needs to localize the content moderation tools, and promote its right use raised during the event.

Similarly, a representative from IT for Change Malavika Rajkumar shared current practices in India for content regulation on digital platforms and emphasized that governments in South Asian countries should regulate digital platforms’ through a rights based approach more specifically addressing the needs of marginalized people. The representatives from CSO showed concern over the problematic law making process in Nepal which lacks multi-stakeholders’ consultation and does not follow basic national and international norms of human rights.

It was stated that though Nepal’s more than 90% people engage on internet, citizens’ have been victimized due to weak negotiation with the giant technological companies such as Meta and TikTok. Moreover, representatives from other stakeholders raised concerns about ensuring civic space on digital platforms, increasing censorship on social media, inclusion of indigenous peoples’ rights on the digital platforms among others.

The workshop also engaged the participants in group exercises to gather their perspectives on the adoption of UNESCO’s directives in Nepal, strategies to be undertaken by diverse sectors for digital platforms’ governance in context to Nepal. 🌱

Self disclosure update

Type and Nature of Organization	NGO working for Democracy, Right to Information, Freedom of Expression, Fiscal Transparency and Open Data, Media Policy and Law, Internet Freedom		
Legal Status	Registered at District Administration Office Kathmandu. DAO Registration Number: 127/062/63, SWC Affiliation Number: 18518		
Location	Adarsa Marga, Prasuti Griha Road, Thapathali, Kathmandu		
Staffs and Roles	Taranath Dahal: Executive Chief, coordinates overall organizational and administrative affairs		
	Aruna Adhikari: Finance and Administration Officer, looks after accounting and administrative affairs and performs responsibilities as the Information Officer.		
	Nanu Maiya Khadka: Media Monitoring Officer, responsible for monitoring updates on freedom of expression, media rights and right to information		
	Aditya Dahal: RTI App and website operator		
	Manju Dahal: Front Desk Assistant, Ganga Kumari Gurung: Office Assistant		
Roster of Consultants/ Researchers	Krishna Sapkota, Narayan Ghimire, Subash Dahal		
Ongoing Project Information	Project Name	Supporting Agency	Date of start of project
	Open Budget Survey	International Budget Partnership (IBP)	1st January 2023
	To strengthen free and safe digital civic space for protection and promotion of freedom of expression	International Freedom of Expression Exchange (IFEX)	1st November 2023
	COAB Initiative (Collaboration for Open and Accountable Budgeting)	International Budget Partnership	21 st April 2024
	Enabling Safety of Journalist (ESAJ)	UNESCO (Global Media Defense Fund)	7 th May 2024
	National Workshop on "The Governance of Digital Platforms: Emerging Trends and Best Practices"	UNESCO Nepal	September 11, 2024
Services and Activities	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.		
Responsible Authority	Chairperson: Hari Binod Adhikari, Executive Chief: Tara Nath Dahal		
Decision Making Process	General Assembly: Making policies, rules and regulations of organization Executive committee: Formulation of action plans as per constitution of organization, rules and regulation Management team: Running projects and daily operational affairs and reporting timely to the Executive Committee.		
Past/Current Activities	Please follow the link: http://freedomforum.org.np/content/category/activities/		
Information Officer	Aruna Adhikari		
Financial Information	Freedom Forum received grants amounting Rs. 11,05,760 (July to September 2024)		
Official Website	www.freedomforum.org.np		
Publications of Freedom Forum	Freedom Forum has over 50 Publications (printed) Please Follow the Link: http://freedomforum.org.np/content/publications/		
Annual Report	http://freedomforum.org.np/content/publications/reports/annual-reports/		
Information Dissemination	Websites- http://www.freedomforum.org.np/ ; www.nepalpressfreedom.org , and Newsletter-Free Expression		

Director-General's Report on The Safety of Journalists and the Danger of Impunity, and the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity

Killings of Journalists in 2022 and 2023: Key Findings

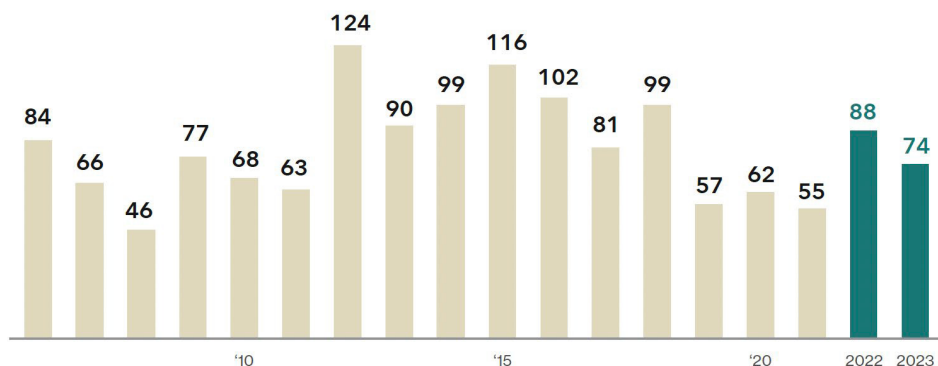


FIGURE 1: Number of killings of journalists (2006-2023)

Overall Analysis

Over the period between 1 January 2022 to 31 December 2023, UNESCO verified 162 killings of journalists, media workers and social media producers, representing a journalist being killed every 4 days. This is a 38% increase from the previous biennium, in which UNESCO recorded 117 cases of killings.⁶ This biennium also represents the highest number of killings since the 2016-2017 biennium.

FIGURE 1: Number of killings of journalists (2006-2023)

In 2022, the country with the highest number of killings was Mexico, with 19 cases. Killings of journalists also occurred in Ukraine (11),



Haiti (9), Pakistan (6), Colombia (4), the Philippines (4), Brazil (3), Honduras (3), Bangladesh (2), India (2), Chad (2), Ecuador (2), Myanmar (2), the State of Palestine (2), Somalia (2), Syrian Arab Republic (2), Yemen (2), Chile (1), Democratic Republic of the Congo (1), Guatemala (1), Iran (1), Israel (1),⁷ Kazakhstan (1), Kenya (1), Paraguay (1), Türkiye (1), United States of America (1) and Viet Nam (1).

In 2023, the State of Palestine recorded the highest number of cases, with 24 killings in the line of work. Cases of journalist killings also occurred in Mexico (7), Guatemala (5), Cameroon (3), Lebanon (3), Ukraine (3), Afghanistan (2), Haiti (2), India (2), Israel (2),⁸ Pakistan (2), the Philippines (2), Syrian Arab Republic (2), Albania (1), Argentina

(1), Bangladesh (2), China (1), Colombia (1), Honduras (1), Lesotho (1), Mali (1), Mozambique (1), Paraguay (1), Rwanda (1), Somalia (1), Sudan (1) and United States of America (1).

UNESCO recorded cases of killings of journalists across all regions. This biennium saw the highest number of verified cases of killings of journalists in Latin America and the Caribbean (61), followed by the Arab States where 35 cases of killings were recorded. In Africa there were 14 killings of journalists. In Asia and the Pacific there were 31 killings. In Central and Eastern Europe there were 15 killings. In Western Europe and North America there were 6. 🌍

Source: UNESCO/IPDC
(<https://unesdoc.unesco.org/ark:/48223/pf0000391550/PDF/391550eng.pdf.multi>)

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.

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