

**DanidaHUGOU**  
**HUMAN RIGHTS AND GOOD GOVERNANCE PROGRAMME**

**Strengthening Media through Legal Support**

**1 August 2006 – 15 October 2008**

**Freedom Forum**  
**Thapathali, Kathmandu**

**December 2008**

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**ABBREVIATIONS:**

CA	Constituent Assembly
DANIDA	Danish International Development Assistance
HUGOU	Human Rights and Good Governance Advisory Unit
MOIC	Ministry of Information and Communication
MoU	Memorandum of Understanding
PFGJ	Press Freedom Grand Jury
PIL	Public Interest Litigation
RTI	Right to Information

**EXECUTIVE SUMMARY**

<b>Country:</b>	Nepal
<b>Sector:</b>	Human Rights and Good Governance
<b>Title of Programme:</b>	Human Rights and Good Governance Programme
<b>Component:</b>	Media Component
<b>Title of Project:</b>	<b>Strengthening Media Through Legal Support</b>
<b>Cooperating Agency:</b>	Freedom Forum
<b>Location:</b>	Kathmandu Valley, Dhankuta, Birjung Biratnagar, Dang, Nepaljung, Pokhara, Dhangadi, Palpa
<b>Starting Date:</b>	1st August 2006
<b>Planned Date of Completion:</b>	31 <sup>st</sup> May 2008
<b>Actual Date of Completion:</b>	15 <sup>th</sup> October 2008 ( no-cost extension)

Freedom Forum and DanidaHUGOU signed a MoU to implement "Strengthening Media through Legal Support" project for the period of 1 August 2006- 31May 2008 (later extended till October 15 2008). The project aimed to provide legal support to the media and media professionals, strengthen the process of media laws and policies reform in Nepal and capacity building of Nepalese journalists.

Under the first component, **litigation support to media**, Freedom Forum succeeded to document 45 cases in which 34 were filed in different judicial organs and remaining 11 were provided consultation support. In many of our cases, the verdict given by judicial organs in favor of journalists helped them to obtain compensation against violation of their rights and freedom including, illegal detention and undue discrimination, among others. Indirectly, such trends have succeeded to uplift morale of journalists, improved their legal knowledge and made them conscious about their legal rights and duties.

In the later part of the project, the Forum has also filed writ petition against those public bodies that have refused to provide information which are concerned with public interest keeping in mind that this will further encourage journalist to make use of right to information. This has helped to build up information culture and also to encourage media to exercise this basic right for the proper exercise of their professional freedom. Likewise, cases were also filed against the existing legal provisions which are contrary to Interim Constitution. (Detailed list of cases are attached in Annex )

Under our second major component, **to strengthen the process of media law and policy reform**, the organization was able to influence and give direct inputs to, the governmental task forces and committees by lobbying policy makers to make laws at par with international standards and best practices. In this vein, various inputs and recommendations have been provided to separate drafting committees and task forces.

In this connection, different thematic discussion and interaction programs among stakeholders were organized

Later, the inputs provided by stakeholders were incorporated while giving recommendation to governmental task force committees and commissions. The promulgation of Right to Information Act and Amendments in Working Journalist Act in 2007 are the major achievements made by the organization in which direct intervention was provided. (Details about the committee are incorporated in Achievement section here under)

Likewise, a study report was published after doing substantial and thorough research on the major media related laws and policies which include recommendation on different media related laws and policies and which was then taken to the concerned stakeholder for the purpose to create common agenda in media reforms sector.

Under the third component, **to capacitate journalist**, the Forum has provided training to 93 mid-career journalists in each development region including two in the central region. In this connection, first, the training manual was published incorporating basic elements of law which are essential for law-beat journalists. Thereafter, writing proposals was solicited and trainees were selected considering their interest in the legal journalism. After selecting the trainee journalists, 5 Day training was provided to 25 participants. This training has helped to built writing capacity of the participants in law-beat journalism. It has also helped them to understand more about court proceedings and reporting on law related issues including the contempt of court.

Moreover, the training to journalists by renowned judges has helped to bridge the gap and create friendly environment between media and court personnel. In addition, the training has also helped to broaden legal knowledge of journalist especially on the issue related to Defamation, Contempt of Court, Public Interest Litigation (PIL), Jurisdiction of Court etc. Later, 5 trainees from each development region were awarded writing fellowships. Based on our observation, the writing fellowship to journalists was found to be a crucial incentive to enhance their professional capacity.

The sustainability of the project reflects on the publication we have brought out. Study report on Journalism Law and Policy, Court Reporting - Resource Book, Compilation of Major Media related Case and Verdict, Compilation of cases related to Defamation, Law-Beat Training Manual, and Quarterly Journal- Free Speech which were published by the organization will help create consensus among stakeholders for the reform in media sector in Nepal.

Within the implementation period the organisation has learned different lessons both positive and negative. It has been learned that coordinated and concerted efforts on campaign and advocacy are always imperative for the amendment in unclear and indistinguishable laws and policies, and for the promulgation of necessary laws and regulations which are in conformity with the international standard and best practices. Similarly, we have observed that there is a need of advanced training to be provided to journalists to maximise their reporting quality as well as increase in quantity of such reporting.

There were different challenges faced in-between the project period which were, however, taken up efficiently by Freedom Forum. For instance, under the litigation support output, cases filed were found to be impossible to get verdict from the courts within the project period. In this situation, the Press Freedom Grand Jury (PFGJ), an independent body comprising representatives from civil society, law and media background was reactivated with necessary reform and the responsibility of handling the court cases awaiting verdicts including the budget allocated for that purpose which has been transferred to PFGJ. Freedom Forum, hereafter, will work only as PF GJ's secretariat. The first meeting of Press Freedom Grand Jury (PFGJ) agreed to undertake the responsibility and handle the budget balance for that purpose.

In keeping with various recommendations received from the stakeholders and beneficiaries as well as our experience while implementing the project, Freedom Forum realises that a project of this nature needs continuation for the purpose of strengthening media through capacity building, legal support and policy document review. As this sector requires constant reform and way forward, Freedom Forum is committed to undertake such activities in one way or another for the promotion of free press, freedom of expression and of opinion as well as for exercising right to information in Nepal. All in all, the project has met the desired goal to strengthen media through legal support.

#### Funding Summary

	DanidaHUGOU	Other 1*	Other 2*	Total
<b>Approved budget</b>	8576398.26	-	-	8576398.26
<b>Disbursements</b>	8562538.55	-	-	8562538.55
<b>Un-disbursed</b>	13859.71	-	-	13859.71

#### Summary of financial performance

Particulars	Total	
	Budget	Actual
<b>A. Activities</b>		

Output 1	2504042.75	2459051.75
Output 2	1918056.38	1947605.38
Output 3	1942802.00	1944191.00
<b>Total, Activities (A)</b>	<b>6364901.13</b>	<b>6350848.13</b>
<b>Equipment (B)</b>	<b>469839.00</b>	<b>469839.00</b>
<b>Evaluation (C)</b>	<b>-</b>	<b>-</b>
<b>Staff Costs (D)</b>	<b>1180585.35</b>	<b>1181685.35</b>
<b>Total (A+B+C+D)</b>	<b>8015325.48</b>	<b>8002372.48</b>
<b>Overhead (7% of actual expenditure)</b>	<b>561072.78</b>	<b>560166.07</b>
<b>Total Project Costs</b>	<b>8576398.26</b>	<b>8562358.55</b>

## 1. Introduction:

'Strengthening Media through Legal Support' Project was initiated in August 2006. The project aims to provide legal support to journalist and media professional, analysis of existing media related laws and policies and capacity building of journalist through legal education and trainings. This project completion report is prepared by Freedom Forum for the purpose to analyze the achievements against its objectives including, assessment of major activities undertaken and its impact, major challenges faced and solution applied, relevance, sustainability and to measure overall success of the project.

Prepared with the guidance of project monitoring team, the executive committee, and concerned project coordinators, this report shall be utilized for strengthening internal governance of the implementing agency and also to determine the appropriate way forward.

Similarly, the project team will learn from the weaknesses and action which needs to overcome their effective and efficient organisation of similar programmes in the future.

## 2. Inputs

In the whole project period, various inputs have been received by the organisation from various national and international organisations, experts, committees and other relevant actors so as to make project more effective and efficient, especially when difficulty took place while organising programmes, forming annual work plans and budget, cancelling any activities, planning for similar but new activities or in any other major issues. The major inputs undertaken by the implementing agency are briefly mentioned below;

- a) In an analysis of media related laws and policies, implementing agency has taken help from Article19, a globally recognised organisation working for the promotion and protection of freedom of expression, while analyzing constitutional provisions related to media rights and press freedom and act on right to information. Likewise, Report of International Media Mission and Report of High Level Media Commission were also reviewed while analysing existing major media related laws and policies.
- b) The steering committee, comprising with Project Coordinator, Representative of DanidaHUGOU and Representative of Freedom Forum Executive Committee, was taken as the last resort when the organisation went through any unintended consequences and when the activities which has to be undertaken was found irrelevant for continuation or faced other difficulties in implementation. In the various issues, the meeting of the steering committee were called and their inputs have been considered. For Instance, while taking decision about the further step to be taken regarding the cases which were yet to get verdict, this committee suggested that the Freedom Forum handover the responsibility and liabilities to Press Freedom Grand Jury ( PFGJ)
- c) Press Freedom Grand Jury (PFGJ), an informal network of media persons, human right activists and lawyers established in 2002, has also provided constructive suggestion and advices on the situation where cases documented has to be reviewed before filing it in the court. Likewise, PFGJ accepted to undertake the responsibility to look after the remaining cases after the completion of this project including the budget allocated in this regard.
- d) Furthermore, the Executive Committee formed a monitoring team to monitor the implementation of the project. The team, all the way from the beginning to the end, closely monitored the implementation of the project and reported to the Executive Committee.
- e) Among those aforementioned committees and individuals, different others including, but not only, project coordination team, auditors, representative of DanidaHUGOU, local organisations and individuals in different capacity provided inputs in one way or other in between the project period for the effective and efficient running of the project.

Freedom Forum would like to thank all of them for their continuous and timely support to make this project effective and efficient.



### 3. Fulfilment of Objectives and Outputs

#### 3.1 Achievements

The extent to which the project has achieved its immediate objective(s) and outputs:

	Indicators	Achievements	Availability of Means of Verification
<b>Development Objectives:</b> Media freedom ensured through protection of media rights		Litigation support provided, research undertaken on media law and policies and later published, journalist were capacitated through trainings,	Promulgation of Right to Information Act, amendment in Working Journalist Act, Minimum Wages Determination Commission formed, Commission formed to determine minimum review of broadcasting law, press and publication act, Decision of Court in favour of Journalists, Publication of Journalism Law and Policy Study report etc...
<b>Immediate Objectives:</b> Provide legal support and undertake advocacy to protect media rights	Increased safeguards in place to protect media rights through court judgements, and substantial changes in Nepal's media laws and policies		Evaluation report, project completion report, national and international reports on press freedom, publications of Freedom Forum, Articles and news in Media,
<b>Outputs</b>			
<b>Output 1</b> Litigation support	Litigation support has been	Well equipped Legal Desk was established;	Files of Legal cases,

provided to cases pursuing court justice to protect media freedom	given in at least 50 media related cases in various courts	<p>with necessary materials.</p> <p>45 Case documented 34 of them filed in different courts; 11 cases were provided consultation support.</p> <p>290 Representation in 34 cases; 360 court dates appeared</p> <p>13 uncompleted cases filed in different judicial organs handed over to PFGJ</p> <p>Two separate compilation, one- cases and verdict related to media and right to information and the other- defamation related case and verdict published (500 copies each)</p>	paper of court dates, Participants register, program report,, published books and book register, attached as Annex
<b>Output 2</b> Research-based advocacy for media policy and legal reforms undertaken	Substantial and thorough research on media related policies and laws reported in a publication as well as in article in quarterly journal.	<p>6 series of thematic discussions and consultation programmes organised; 5 in Kathmandu and 1 in Pokhara</p> <p>Resource Person hired- one from legal background Dr.</p>	Published books and book register, Journals, Participants register and program report, Register of participants And program report, Attached as Annex

	<p>Clear advocacy strategy developed and pursued with the aim of pushing for reform of media policies.</p>	<p>Bhimarjun Acharya and the other from a senior journalist-Taranath Dahal;</p> <p>Comparative and analytical studies of exiting laws and policies undertaken;</p> <p>1000 copies of initial study report published and disseminated among stakeholders giving priority to journalist and lawyers likely to participate in the workshop.</p> <p>Five regional workshops on legal and policy reforms held in Biratnagar, Kathmandu, Pokhara, Nepaljung and Dhangadi.</p> <p>Two series of Discussion with experts and policy makers held, both in Kathmandu</p> <p>Finally, 500 number of Study Report of Journalism Law and Policy published.</p> <p>Likewise, in this component, 4 series of journal published</p>	
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		(1000 at a time) on quarterly basis and then disseminated to relevant actors.	
<b>Output 3</b> Legal reporting in the media has been improved through strengthening of reporting skills of journalists	At least 20 example can be provided of improved legal reporting in the media by the journalists trained through the project	Experts hired one from legal background -Mr. Shree Krishna Bhattarai, and the other Senior Journalist Dharmendra Jha to develop Law-Beat Training manual  1000 Copies of manual published and disseminated;  Trainee selected on the basis of the quality of their proposal;  Five day training to 93 law-beat journalists each in Dang, Dhankuta, Pokhara and 2 in Kathmandu.  3 month Fellowship granted to selected 5 of each training  Fellowships awarded to 23 law beat journalists	Trainees register, News and articles of fellow journalist. Published book, news, articles, media coverage. Attached as Annex

## **Major Achievement:**

The project has covered three major areas related with media and media professionals. The first component of the project was to provide litigation support in the cases pursued to protect media freedom. It was aimed to provide litigation support in at least 50 media-related cases in various judicial organs. The second component was to involve in substantial and thorough study of the media laws and policies by developing research based advocacy. And, the third component of the project was related with the capacity building of media practitioners by developing their basic professional legal reporting skills through training. The major achievements under outputs are narrated below.

Even though the project was planned to accomplish by 31st May 2008, due to the instable and fragile political situation, constituent assembly election, gradual and continuous changes in media reform sector, the delay occurred in implementing some of the project components. For instance - we had to wait for the promulgation of Right to Information Act and Working Journalist (Amendment) Act and this affected the finalisation of the study report on time. The workshops which were based on the study report were also deferred because of delay in publishing the study report.

But in all, Freedom Forum has succeeded to conduct all its activities effectively and efficiently to fulfil its major objectives and outputs. Major achievements are briefly mentioned below.

### **3.1.1 Litigation Support provided to Media:**

The first component of the project was to provide litigation support in the cases related to press freedom and media rights pursued to protect media freedom. In this connection, Freedom Forum provided litigation support to 45 cases in which 34 cases of journalist seeking justice were filed in different judicial organs and remaining 11 cases were documented and provided consultation support.

In the beginning of the project, the numbers of cases related to torture were greater because journalists were attacked directly by the state claiming that they violated the general law and ordinances. Some of those victim journalists came to Freedom Forum seeking justice. In such situation, the cases were filed on behalf of them by Freedom Forum.

Later, after the Second Jana Andolan (The Peoples Movement II) and restoration of democracy, new constitution was made and various initiatives were taken to reform

media sector. More notably, the state became liberal to media. In this situation, the problem of job security of working journalist was identified. Cases were filed against media and press institution who dillydallied to provide minimum wage to journalist, or dismissed them from job unduly. Similarly, in many instances, writs were filed against those public bodies that rejected to provide information which concerned with public interest. Cases were also filed to declare void a number of provisions in different laws which are inconsistent with the constitution.

This has made the total of 45 cases where Freedom Forum directly involved and provided necessary support during the whole project period. The chart below shows clearly our work to support media.

#### Number of Cases:

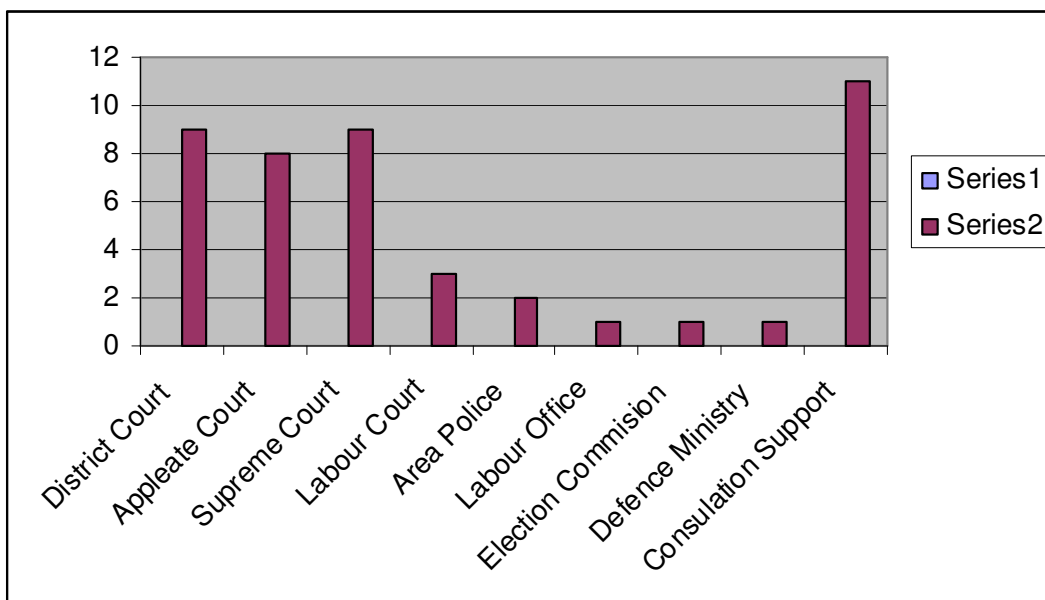
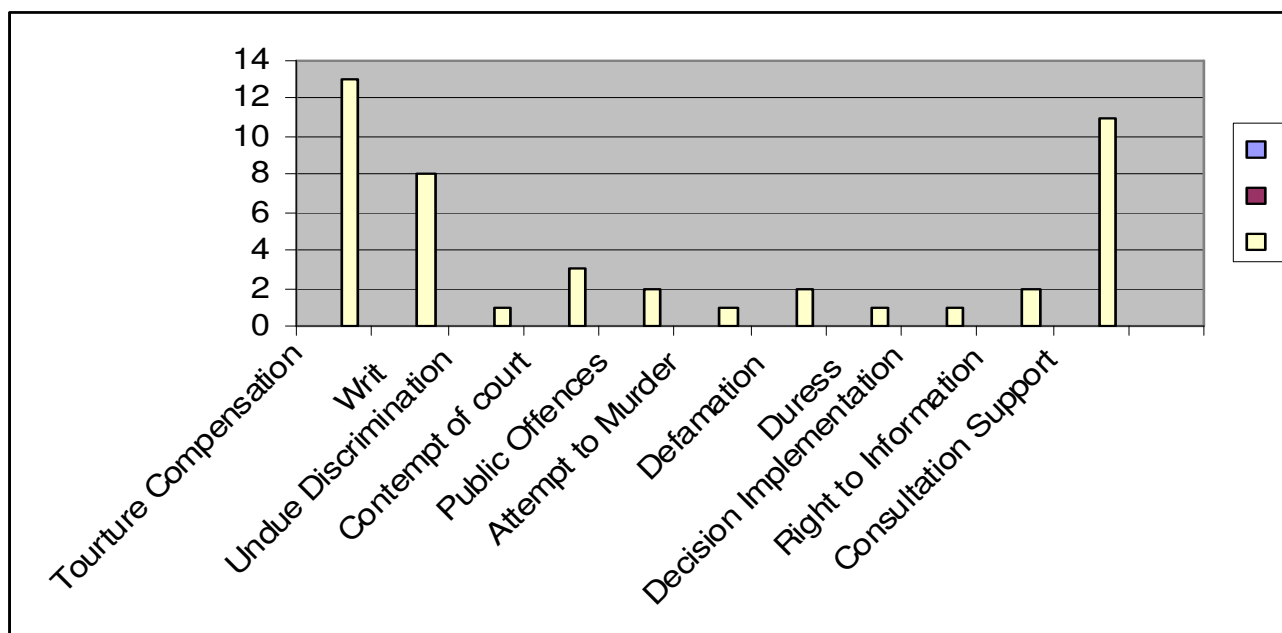


Chart-1

#### Nature of Cases:

Chart 2

### Example of Success story

Mr. Pradeep Ghimire, a working journalist was a Senior Sub- Editor of a Publication house. After 11 months of his service he was unduly dismissed by the publication. He came to seek for legal remedies at the Freedom Forum. Legal Desk of the Freedom Forum took initiative in his case and filed a case against dismissal the Labour Court. The Court while entertaining the case decided that the dismissal from the job was illegal and ordered the Publisher to reinstate him with his salary for the dismissal period. But, the Publication delayed to execute the court's order. Again the legal desk on behalf of Mr. Ghimire filed a case of Contempt of Court at the same court. During the trial of the case he was called by the Publication and agreed to execute the court decision and provided a cheque. When he submitted the cheque at the bank to exchange it, the bank refused to exchange it 2 times due to insufficient balance in the mentioned account. Then, while legal desk was preparing for a case of Cheque dishonour, suddenly he was called by the bank and paid the entire amount of the cheque. In this way the Freedom Forum legal desk became a ladder for him. This is not an exceptional case but many others have similar stories.

This example shows how litigation support to journalists helped them to claim their rights. Similarly, it will motivate other journalists to initiate legal course against discrimination and exploitation either by employer or others.

There are still 13 cases pending in different judicial organs waiting for verdict. The reformed PFGJ will take the responsibility to undertake necessary activities for the purpose until the cases received the final verdict.

*(The detail picture of litigation support component on Annex 1.)*

### 3.1.2. Thematic Discussions with Stakeholders:

Freedom Forum organized a number of consultative and thematic discussion programs. The objective of these programs was to promote discussion among stakeholder on ongoing issues of media reform and to obtain suggestion and recommendation for different task forces constituted by the government on different issues. Similarly, these programs were designed as one of the components of media law review program. The recommendation part of the media law review is partly based on the recommendation obtained from the stakeholders. These programs proved very important as they worked as a bridge between the media community and the government. The composition of the discussion programs consisted of policy makers; media experts, journalist, lawyers, civil society members, human rights activists and other rights based organizations.

The table drawn below identifies the date of the programme along with topic and remarks.

S. No.	Date	Program	Output	Remarks
1.	15 September 2006	Consultative Meeting on Media Laws and Policies Reform	Media Reform	To lobby for the necessary reform in Media
2.	18 October 2006	Issues of Working Journalists in Media laws and policies reform	Media Reform	To pressurize the government to take steps towards amending laws related to working journalist.
3.	20 October 2006	Issues related to national broadcasting sector	Media Reform	To lobby for the necessary changes in the existing broadcasting law and regulation
4.	1 December 2006	Reform in Working Journalist Act	Media Reform	To provide inputs to Taskforce on Working Journalist Act



5	4 June 2007	Media Law and policy reform	Media Reform	To put pressure to the concerned for necessary reform in media law.
6.	11 September 2007	Working Journalist Act and future challenges	Implementation of Act	To pressure government and media houses
7.	30 December 2007	RTI Act and its challenges	Effective implementation	To pressure public sector for the implementation of Act.

*(List of Participants on the programme attached in Annex 2)*

### **3.1.3 Regional Workshop**

Freedom Forum organized a two day workshop in five regions - Biratnagar, Birgunj, Pokhara, Nepalgunj and Dhangadi. The workshops were aimed to discuss and create common agenda among stakeholders regarding media rights and press freedom.

Almost 50 individuals including, representatives from Bar Association, media, civil society, political parties and others sectors participated. Participants were also invited from the neighboring districts so as to give equal opportunity to both local and city based media and the press. The workshops were held quite late than we had planned but, the organization is fully satisfied from the workshops conducted and from the positive responses of participants

Most of the participants stressed on the need for reforming of the media policies and laws in favour of nation and people's welfare rather than appeasing the media world. Meanwhile, they also underlined the wider need for and significance of a comprehensive and integrated national policy on media and mass communication, adding that an intensive exercise is a must to establish this essence in a broad based way.

The output of the series of the workshops and the discussion were incorporated later on the final publication of the research report.

*(List of Participants of the workshops attached in Annex 3)*

### **3.1.4. Discussion with policy makers and media experts:**

After the publication of the first draft of the research report, one consultative meeting was held with media experts in media sector and the other meeting was held with Constituent Assembly (CA) members who have contributed their time and effort for the promotion of freedom of expression, press freedom, media rights and right to

information. Participants reviewed the different laws related to media and commented on the report made by the implementing agency. Comments and suggestion under the report were then used to make the final study report “Journalism Law and Policy”

The discussion and debate amongst policy makers, media experts and senior lawyers has helped to create common agenda for media law and policy reform.

*(List of Participants on Annex 4)*

### **3.1.5. Training Provided to Fresh Journalists involved in Law-Beat Reporting:**

Freedom Forum organized five-day training to journalist practicing or desirous to practice law-beat reporting aiming to enhance their capacity so as to make them more professional and specialised. Two trainings were organized in Kathmandu whereas other three programs were organized outside the Kathmandu Valley. The aim of this training was to prepare law beat journalists or train them in court reporting. Freedom Forum gave special focus in selecting journalists for training so as to maintain balance in the diversity.

The significant number of mid career journalists had shown formal interest to participate in the training but due to time and resources constraint only 93 participants were trained. The training was given by categorising it on two major aspects. First, they were taught about general practice of court reporting and secondly by prioritising media rights and press freedom while reporting about legal issues.

After training, it was found through their article published in various newspapers and journals that their writing capacity increased in terms of its quality and quantity. Likewise, the lack of skill and knowledge of the journalist in matter related media law has been minimized to some extent. On the other side, court has also become friendlier to the media.

*(List of trainees is attached in Annex 5)*

### **3.1. 6. Fellowships Awarded to Trainees Selected from Training:**

Freedom Forum has awarded writing fellowship to 23 mid-career law-beat journalists. The fellowship holders were selected from the merit list made during the training. Selected journalists have had to write and publish 5 articles related to court and legal issues. The engagement in the law beat reporting during the fellowship program has helped the fellows to continue practicing journalism in law beat.

Similarly, even the media houses were found cooperative and dedicated in publishing articles and news related to law and court. It has been observed that the volume of court-reporting has increased after this innovative attempt.

Granting fellowships to mid-career journalist have not only motivated them to practice law-beat reporting, it has also, provided sufficient knowledge on how to make news out of court activity. Likewise, it has also supported in our attempt to enhance relations between media and the court and also supported to eradicate hidden fear and mistrust with each other.

Later, the best articles that those fellows published in different newspapers has been compiled and published with the view that this could be proper guidelines to other journalist working in similar vein.

Here is the table listing the date, district covered and the name of selected fellowship holders:

S.N.	Date	Venue	District Covered	Selected
1.	19-23 June 2007	Kathmandu	Appellate court jurisdiction area of Patan.	Sarada Silwal, Santosh Chudhari Rambahadur Rawal Yuwaraj Puri
2	22-26 August 2007	Dhankuta	Appellate court jurisdiction of Dhankuta, Rajbiraj, Biratnagar, Ilam and Janakpur	Ramesh Chandra Adhikari; Santabir Lama; Elina Himwang; Santosh Subedi; Manoj Shrestha
3	30 Nov-4 Dec 2007	Pokhara	Butwal, Baglung, Hetauda	Ishori Newpane; Bickram Khadka; Prurusottam Subedi; Roshan Thapa; Ritesh Tripathi
4	14 Jan. - 18 Jan 2008	Dang	Banke, Surkhet, Doti, Humla and Mahendranagar	Hemraj Sharma; Madhusudan Bhattarai; Lalbahadur Airi; Balaram Pandey;

				Rupa Gahatraj
5	6 Feb.- 11 Feb. 2008	Kathmandu	Appellate court of Patan	Yam Birahi Bikash Bhattarai Nagendra Lamsal Madan Gautam

### 3.1. 7. Publications:

#### I) "Journalism Laws and Policies – A Study Report"

One of the major achievements of the project is the comparative analysis of prevailing media related constitutional provisions, acts and policies in tune with the international standard and best practices. This was the major publication which more importantly highlighted the third output of the project that is – to strengthen the process of media law and policy. In the initial phase, the organization held various theme based discussions and interaction programmes with experts and stakeholders.

The study was published after reviewing major laws and policies related to media rights and press freedom and its compatibility with international standard, furnishing various recommendations for forming the media sector in the changing Nepalese context. The report has incorporated views, comments and suggestion of media experts and stakeholders by holding two national consultative meeting and five regional level workshops. This publication is a crucial part of the campaign of Freedom Forum in bringing about sweeping reform in freedom of expression and opinion, press freedom, media rights and right to information in Nepal, remaining consistent with international practices and standards.

The study report was then disseminated at national level among intellectuals having knowledge or concern about laws and journalist as well as among the policy makers for the overall comments and suggestion on the study. This report was used while conducting the workshop in regional level.

The study reviews the national and international laws relating to mass media. It has mainly incorporated the analysis of national laws, including interim constitution of Nepal-2063. The Act related to Printing and Publicaiton-2048, National Broadcasting Act– 2042, Working Journalists Act-2051, Press Council Act-2048, Libel Act – 2016, National News Agency Act – 2019, Gorkhapatra Corporation Act-2019 and Right to Information Act, 2007 while Universal Declaration of Human Rights (UDHR),1948. International Covenant on civil and Political Rights (ICCPR),-1966 including other regional conventions have been taken as principle reference for the study.

The major recommendations are:

- All forms of media laws and regulation should comply with international standards and in particular, with Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political rights.
- There should be no system of licensing or other rules which restrict access to the profession of journalism.
- There should be no general requirement for journalists to obtain accreditation which the Department of Information. This is without prejudice to the right of journalists' association to provide their own membership cards.
- There should be clear legal rules establishing right of journalists not to disclose their confidential source of information. These rules should allow for mandatory source disclosure only where ordered by a court.
- Structural Reform should be adopted to transform the Press Council into a fully independent body that operates on a pro-people basis. It should be self regulatory in the sense that appointments are overseen independently of the government, even if it is formally established by law.
- The classifications of newspaper should be done by the Audit Bureau of Circulation based on the objective criterion of circulation.
- Registration of print media should be used only to maintain a body of information and for the purpose of ensuring integrity of media title only.
- Broadcasting regulation shouldn't be overseen by a government ministry but should be put in the hands of an independent regulatory body.
- All broadcasters, including satellite and cable operators, should be required to obtain a licence through a fair and transparent process.
- The 4% royalty currently levied on broadcasters would be abolished.
- There should be no government print media. Rastriya Samachar Samiti (RSS), the national news agency should be transformed into an autonomous public body.
- Measures should be put in place to ensure transparency of media ownership.
- No one should have control over media from more than two media sector (print, radio, and television).
- Foreign investment in media should be permitted but capped at a level which protected against foreign control of media outlet in terms both of management and editorial output.
- Chief Editor and chief executive officers of media outlets should be Nepali citizens.

- The right to information should apply to everyone rather than only the citizen mentioned in the Act.

Implementing Agency expects that this publication will facilitate to forge significant national consensus for the media sector in Nepal. It has been made public after a series of discussion and consultation with concerned experts and stakeholders of media sector.

## **II) Compilation of Landmark Cases related to Media and Right to Information:**

Freedom Forum has made an innovative step to compile media related cases and verdict to ease the difficulties and trouble to access detail about those cases for the stakeholders. As Nepalese legal system has recognized the principles of common law system, the precedents of the Apex Court are binding to the similar cases thereafter. They enjoy high authority at all time. It is an established rule to abide by former verdicts where the same points come in course of litigation as well as to keep the scale of justice even and steady under the common legal system. However, under the prevailing practice only selected cases decided by the Apex Court are published in the Nepal Law Book and some other bulletins, but no specific compilation of the cases and its verdict in particular subject matter is available. This has caused, on the one side, the problem of uniformity and, on the other, information regarding the cases which are hard-to-reach. The lack of compilation of landmark cases and verdict related to media cases has brought inconsistency even in the decision made by the Apex Court. This publication is expected to help solve this problem.

In this compilation, major cases related to media rights and right to information having high jurisprudential value have been brought together. Freedom Forum has tried not to miss any cases having jurisprudential values to incorporate in the publication. Divided into five parts, the book has incorporated the precedents set by the Supreme Court from the beginning to this date. The compilation has covers 107 cases related to press and publication, broadcasting, right to information, contempt of court and other media issues. The Forum believes that this publication will remove the problem of uncertainties and inconsistencies and will be helpful as a reference book to upcoming media related cases. This also helps to show clear picture and attitude of the Nepalese judicial system while adjudicating cases related to media right and right to information

## **III) Defamation related cases and judicial trend**

Another innovative step that Freedom Forum has taken was to compile cases and verdict related to Defamation Law. Freedom Forum has published this book keeping in mind that it is essential for journalists to know as to what comes under defamation. The

book has provided a brief detail of verdicts on defamation delivered by District Court, Kathmandu, and Appellate Court of Patan.

The Forum believes that this compilation will diminish the problem of lack of uniformity on the decision of the court related to defamation and also ease the inconveniences to refer to previous cases and verdicts which could help to know whether similar cases were settled by court previously or not. In this way, many uncertainties in laws and its interpretation by the court could be analyzed through this unique compilation of major libel related cases and the verdicts on them. The publication has provided a comprehensive overview of major decisions of courts in defamation related cases.

#### **IV) Court reporting- A Resource Book**

Freedom Forum also published resource book for enhancing media reporting of court and legal issues to make people aware about illegal practices and activities of judicial organs

This book compiles major legal provisions and accepted national and international codes of conduct such as- Lawyers' Code of Conduct, Judges' Code of conduct (International), Defamation law, Contempt of Court and newly promulgated Right to Information Act among others.

This book has been prepared so as to help enhance the knowledge and skill of journalists in matter of court reporting. The book is a part of the effort of Freedom Forum in developing capacity of journalists and increasing people's direct access to information with the aim at making democracy functional. The Forum believes that this book will serve as a major reference book for journalists in course of court reporting.

#### **V) Training Manual**

A handbook has been published as a training guideline and basic source. Experts were hired from legal and media background to give the manual a complete shape of resource book based on major legal issues which are necessary to understand by journalists. The jurisdiction of court, defamation, judicial enforcement and code of conduct of journalist has incorporated. This handbook has been designed as a basic source book for training guidelines regarding the Law-beat reporting. The handbook has accommodated the entire basic elements which journalists need to build up their capacity and professionalism while reporting and documenting events or cases related to law.

## **VI) Journals:**

Six series of quarterly journals were published during the project period incorporating assessment of activities undertaken by the Forum as well as the articles relating to media and press freedom. Legal issues under media and press rights were also included in some of the journals. This journal has shown the overall activities of the organisation and its impact to the related actor.

### **3.1.8. Policy Recommendation:**

This project, while supporting journalists and analysing media related laws and policies, has been able to put impact in the media reform initiatives even during the project periods. The project components were identified in such manner that it could directly influence changes in the process of legal and policy formulation in national level.

In this connection, the organization worked as a pressure group for the government to form different task force committees and commissions and provided constructive suggestion and recommendation to those committees and task forces. The development is presented in subheadings hereunder.

#### **I. High Level Media Commission**

The government has formed a 13-member High Level Media Commission headed by Mr. Radheshyam Adhikari to provide recommendations to the government for reforming media in Nepal. Freedom Forum provided suggestions to this commission and supported the process by facilitating a meeting between representatives of 'Online Media Association (OMAN)' and members of the commission. Similarly, it also facilitated meeting between media commission and Working Journalists Struggle Committee. The report of the media commission has adopted these inputs while recommending measures for online media, working journalists and in other sectors.

#### **II. Interim Constitution**

The promulgation of interim constitution is the major shift in national sector framework in Media. The Forum provided inputs and recommendations to the draft constitution recommendation committee. The forum lobbied for the guarantee of press and publication right in the interim constitution. The new interim constitution, promulgated on 15 January 2007, has guaranteed the press/media rights conferred by earlier constitution.

#### **III. Right to Information Law:**



The government had constituted a 7-member taskforce to draft a Bill on Right to Information, on 17 September 2006. Former Secretary of Judicial Council Mr. Kashiraj Dahal was the coordinator of this Taskforce. Other members of the taskforce were senior journalist and Chairperson of Freedom Forum Mr. Taranath Dahal, Vice-president of Federation of Nepalese Journalists (FNJ) Mr. Shiva Gaunle, Chairperson of Nepal Press Union Mr. Murari Kumar Sharma, Chairperson of Press Chautari Mr. Balkrishna Chapagain, Chairperson of Sancharika Samuha Ms. Babita Basnet. Under-Secretary of the Ministry of Information and Communication Mr. Rajendra Nepal was the Member Secretary of the Taskforce. The Taskforce presented a bill on right to information to the government

The taskforce was authorized to prepare a bill after stakeholders rejected the earlier draft proposed by the government formed after the reinstatement of the House of Parliament. Article 19 helped Freedom Forum while analyzing the earlier draft bill prepared by the Government. The Forum provided the inputs and recommendations obtained from the meeting with the stakeholders to the Dahal-led new task force. It submitted the draft bill to the government on 22 November 2006.

The bill prepared by the taskforce was more progressive and was in-tune with the international standard and best practices. The government had tabled the bill in the parliament in January 2007 after changing some of the provisions recommended by the task force. Then it was passed by the parliament named "Right to Information Act 2007". Obviously, this was the major achievement made in policy level, with the involvement of the organisation. It also shows that continuous lobbying is always imperative to make such law which are of public interest.

*(The text of the Right to Information Act attached in Annex 5)*

#### **IV. Working Journalist Act:**

Freedom Forum conducted two series of meetings on 18 October 2006 and 1 December 2006 on the issue of working journalists. The aim of these meetings was to obtain inputs from the concerned stakeholders for reforming Working Journalists Act 1995. It provided inputs and recommendation regarding the working journalists to the taskforce constituted by the government under the leadership of Mr. Kashiraj Dahal. The Taskforce then submitted a bill on 31 December 2006 to the government, which was meant to replace earlier working journalist law. The parliament drafted the new act with broad amendments on the older one. This act is known as Working Journalist (First Amendment) Act, 2007.

The taskforce accommodated the suggestion of the consultative meetings organized by the Freedom Forum in its report prescribing the amendment bill.

*(The amended act is attached in annex part.6)*

## **V. Broadcasting Sector**

The Government constituted a 10-member taskforce in the Ministry to study the problems and take necessary reform measure in cable television broadcasting sector in November 2006. The taskforce was constituted by the internal decision of the Ministry and coordinated by a senior official of the Ministry of Information and Communications (MOIC) Mr. Tapanath Shukla. Other members of the taskforce were Under-Secretary Mr. Rajendra Nepal, Under-Secretary Mr. Anup Nepal, Under-Secretary Ms. Prabha Pandey, Chairperson of Nepal Cable Television Association Mr. Dinesh Subedi, Chairperson of Nepal Cable TV Organization Mr. Manaraja Ranjit and Cable Television Expert Mr. Ram Sedhain. Section Officers of Ministry Mr. Shyam Chalise and Mr. Chudaraj Neupane were the member secretaries of the taskforce. The taskforce submitted a proposed draft bill to regulate cable television in January 2007. However, the government has not taken any measures in this regards so far. Freedom Forum also provided recommendations to task force. Those recommendations have also been published in our study report ' Journalism Law and Policy'.

## **VI. Government-Controlled Media**

Nepal government constituted a 'High-level Recommendation Taskforce on Restructuring and Autonomy of Government-Controlled Media' on 25 November 2006 for obtaining recommendation on how to transform Radio Nepal and Nepal Television as public broadcasting institutions and how to make National News Agency and Gorkhapatra Corporation autonomous. The 8-member Taskforce was coordinated by former Attorney General Badri Bahadur Karki. Other members of the taskforce were senior journalists Dhruvahari Adhikari and Kunda Dixit, Journalist Nirmala Sharma, General Manager of Nepal Television Mr. Madan Kumar Sharma, Chairperson of Gorkhapatra Corporation Mr. Tej Prakash Pandit, and Acting Director General of Radio Nepal Mr. Ram Sharan Karki and General Manager of National News Agency Mr. Jaya Shankar Mahato.

The taskforce also in its report incorporated the recommendations provided by Freedom Forum but the government has not taken any further step in this direction. Freedom Forum is still lobbying and putting pressure on the government to the recommendation.

## **VII. Electronic Media and National Broadcasting Authority**

Similarly the Government constituted another 5-member taskforce entitled 'Taskforce for Managing and regulating electronic media and drafting bill on National Broadcasting Authority on 29 November 2006 in the convenership of senior official of MOIC Mr. Tapanath Sukla. Other members of the committee were Under-Secretaries of Ministry of Information and Communication Mr. Rajendra Nepal, Mr. Anup Nepal and Ms. Prabha Pandey. Section Officer of MoIC Mr. Harihar Sharma was the member-secretary of the taskforce. This taskforce prepared and presented a report, along with a draft bill on National Broadcasting Authority in January 2007. Freedom Forum organised thematic discussion programme on Broadcasting Law Reform and provided recommendation to the task force. The recommendations are included in our study report.

## **B. Reform in Legal Sector through Litigation**

On the other side, the court ordered the government to continue Director General of Department of Information as the Press Registrar.

The Supreme Court issued a show-cause notice to the government in a case filed to void provisions inconsistent with the Interim Constitution 2063. The initiatives commenced by the implementing agency contributed to the reform process that the government subsequently began. It worked as a pressure for the government to form different taskforces and committees. In some of the writs filed by the organisation, the Supreme Court nullified the provisions which still existed in contravention to the interim constitution and internationally accepted standard.

Obviously, these are the major achievements of Freedom Forum under this project which has also put positive impact on its developmental objectives.

### **3.1.8. Cancelled Activities and its Implication:**

<b>Outputs</b>	<b>Cancelled activities, if any</b>	<b>Reasons for cancellation</b>	<b>Implications of cancellation</b>
<b>Output 1</b> Litigation support provided to cases pursuing court justice to protect media freedom	The activity no 1.4. concerning the input to be provided by the regional expertise in litigation support.	Freedom Forum didn't feel it necessary to invite any regional expertise for the purpose.	Budget has been used for the other necessary activity,

Output 2: Research-based advocacy for media policy and legal reforms undertaken	Under output 2, the regional expertise to provide consultation for review of media law and policies.	Failed to find regional expert even after the formal request	ARTICLE 19 has continuously helped the Forum free of cost  Local experts as well as experts from Freedom Forum itself provided many suggestions and inputs on major litigation
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The project aimed to seek consultation from regional experts while filing cases apparently controversial and risk-prone and which had no without proper documentation in the initial stage of the project. Mostly the cases were against the state. However, after the restoration of Parliament and the government initiation to nullify different laws and ordinances that tended to suppress media, the assumed risk to file cases was less than expected. Therefore, Freedom Forum, in consultation with the steering committee, canceled this component, and instead of that component, adjusted the budget to bring about two separate compilations of cases and verdict relating to media and defamation, respectively.

### **Rational of the Publication:**

The Forum found that the media related cases and defamation related cases, if compiled, would make easier to media persons and institutions to get quick access to judicial trends in those cases. The Verdicts of the Supreme Court holds equal value as that of any legal provision in Nepal. In this situation, believing that the publication of compilation will serve our immediate objectives and outputs, Freedom Forum brought out two separate compilations of cases and its verdict. This has also become an exemplary step, inspiring similar compilations of cases in any other legal issues. The publication will provide comprehensive overview of major decisions given by courts in the media-related cases.

Furthermore, these publications will be helpful as a reference book to upcoming media related and defamation cases and will also help to show clear picture and attitude of the Nepalese judiciary system while adjudicating cases related to media rights and libel, etc.

### **3.2. Implementation Strategy:**

- The PFGJ has provided consultative advice to Freedom Forum while pursuing legal case. PFGJ is an informal network of media person, human rights activists and lawyers established in November 2002 in order to take joint initiative for protection and promotion of freedom of expression. Freedom Forum has since 2005 volunteered to host the secretariat of this alliance. This Jury has advised Freedom Forum in the cases of filing major cases during the whole project period. But later at the end, this informal network was found ineffective and most of the members were out of contact.

Now this network has been reactivated with necessary reform. The remaining budget and the responsibility under outputs 1.2 has been formally handed over to PFGJ. FF will only provide them secretarial service.

- Similarly, under some component where regional experts were supposed to be hired, Freedom Forum decided to use local experts to complete the task in time and with low cost so as to make the project more efficient.
- Likewise, in the later part of the project, litigation against the state decreased and new laws and policies relating to media rights and press freedom promulgated. In this situation, so as to serve the purpose of the project, Freedom Forum was basically involved in filing writs for the implementation of those acts, void existing laws which are contravening to with the interim constitution.

### **3.3. Major Challenges Faced:**

There are some major challenges faced around the middle of the project period. The change in political scenario and the change in government and the transition period of Nepal also put hurdle for the smooth flow of the programme. Some of the major challenges faced and the strategy used to deal with them are illustrated below.

- Firstly, the deviation was observed on its regular conduction of the project. In the litigation component, the cases filed were found impossible to get verdict from the court within the project period due to lengthy court processes. In this situation, the Press Freedom Jury, whose secretariat has been provided by Freedom Forum, was reshuffled with necessary reform and the litigation files as well as the remaining fund were handed over to this body. The first meeting of PFGJ agreed to undertake the responsibility and budget to give continuation to the remaining cases under the legal support programme.

The meeting of PFGJ decided to work by breaking down the budget provided in the following manner for the period of 12 months:

1. Remuneration to Lawyer (13 cases*18000)	234000
2. Court date handler's Fee (180 days * 225)	40500
3. Discussions (2* 25000)	50000
4. Legal books/Resource materials	20000
5. Jury Meeting (6* 5000)	30000
6. Monthly Report Preparation and Documentation (6000*12)	72000
7. Stationery/Photocopy/ Computer (6000*12)	72000
8. Telephone/ Internet/ Postal expenses/ media (6000*12)	72000
9. Account/ Administration/ audit (5000*12)	60000
10. Travelling Expenses (3000*12)	36000
11. Miscellaneous	1493
<u>Total</u>	<u>687993</u>

- Secondly, the promulgation of different media related laws and amendments in existing laws have placed extra burdens to the Forum. This has caused delay in publication of the study report because without incorporating those new laws the report would have been useless to publish. This also caused delay in conducting workshops, as those workshops were aimed to discuss in accordance with the recommendation provided by implementing agency in the study report.
- Likewise, in some instances, due to the change in project management team, the new appointed member has to learn about the project from the very beginning. However, this was an internal issue but this also affected for the effective implementation of the project although it was easily maintained because the new members were capable of taking responsibility quickly.

### 3.4. Key Learning's :

There are many lessons learnt while implementing this project.

- It is learnt that consultative meetings with participation of all stakeholders including policymakers results in positive lobbying. In our consultative meetings we tried our best for the participation of members of different bodies engaged in law and policy formulation such as media commission, task forces and ministry. Direct participation of these key actors provided opportunity for lobbying and creating pressure for necessary reform.

- Similarly, we learnt that court procedures are often quite lengthy in Nepalese courts. For example, there has been already twenty (20) court dates in the case of Mr. Sitaram Parajuli vs. Nepal Government and still there is no sign of final hearing in near future. This case is not exceptional one but identical to others.
- It has also been learned from the litigation supports that have been provided to media that the ratio of cases where media were tortured and detained has decreased but the cases related to remuneration and job security has increased. Similarly, it was found that the journalists in Terai region faced threat to life than journalist in other region. The increase in writ petition, both at the Supreme Court and the appellate court have shown that in present situation the review of media laws and policy in comparison with international laws and national constitution is the major issue.
- Likewise, the unprecedented speed in the manner of changing media related laws and policies have obstructed the smooth running of the programme. The formulation of the RTI Act and amendment of Working Journalist Act also caused delay in publishing the study report on media law and policy. This was learnt that the change in the political situation also changed the legal system of the nation.
- In addition, the numbers of court-reporting in newspapers has increased substantially. The court also formed an information section in the Supreme Court in their attempt to be friendlier to journalists. On the other side, articles published in different newspapers were found of good quality and more professional after the training. Implementing Agency learned that there's a need to provide legal education and training to journalists to make them more professional.
- Furthermore, it has also been learned from the past activity that by advocating and lobbying, the stakeholders' voices could only be heard by the policy makers. In this regard, Freedom Forum provided recommendation to the draft committee for making Regulation under RTI Act and also provided inputs to Minimum Wages Determination Committee, which was formed to determine wage and salaries to Working Journalists.
- Finally, stakeholders and relevant actors have informed the implementing agency by different means that the journals, books and resource material published within this project are of high importance and innovative step towards ensuring media rights. Freedom Forum learned that there are various sectors and

ways that the organisation can work in the future for the promotion and protection of media rights.

### **3.5. Attribution:**

- The Freedom Forum provided inputs involving directly on the task force and also through indirect pressure. We have succeeded to make significant contribution to promulgation of the Right to Information Act and Working Journalist Act in tune with international standard. We have been still in the mission to pressure policy makers for the massive reform in media sector.
- Credit goes to implementing agency among others for its role to intervene governmental law drafting committee all the way until the promulgation of Right to Information Act as well as in the amendments to Working Journalist Act.
- Likewise, the capacity building of law-beat journalists and the enhancement seen in their report writing skill after the training shall be attributed to this project. The increase in quality as well as quantity of legal reporting identifies that it was because of this project.

### **3.6. Relevance**

- There are considerable developments in national sector framework during the project periods. The Forum has provided inputs and recommendations obtained from the meeting with the stakeholders to governmental task force and committees. The comments and suggestions have been provided to the task force for the formulation of suitable and effective laws and regulations. Still there are various laws in pipeline which need to be analysed for compatibilities to international standard so as to promote press freedom and media rights. The Forum is lobbying to government for necessary amendment in the bill related to RTI Regulation and its timely implementation and also for creating effective pressure group to motivate the members of the CA.
- Amendment in working journalist act was the major achievement of the implementing agency in developmental level. The immediate formation of rules and regulation to enforce the Working Journalist (first amendment) Act is a must for the implementation of this Act. Thus the continuous lobbying and advocacy has to be done in the future as well.



- This kind of project is still relevant in that the violation against press freedom and threats to journalists are still prevalent and the work to end impunity for crimes against journalists is the ongoing process. Likewise, as media laws are often weak or poorly implemented, there should be strong support from all sides to the decriminalisation of libel and defamation laws.
- On the one side, the Government is indirectly controlling, over-regulating media sector and still promoting censorship in media. On the other, advocates for freedom of information laws and fair broadcast licensing, expanded media law resources and the pool of pro-bono media lawyers are also necessary to be expanded and necessarily reformed. Therefore, continued lobbying is needed in the future as well.
- Freedom Forum identifies that, apparently, media practitioners in Nepal are generally facing two challenges. One is personal safety and the other is job security. Therefore, there is continued urgency to ensure that we have projects that legal training and legal support to media practitioners.

#### **4. Sustainability:**

The impact of this project will be self-sustaining. The cases supported by the project would set up precedent and thereby protect the interest of journalists in the future. The project has also brought out research reports in which major media related laws and policies were analysed in comparison with the universal standard. Such recommendations have lasting value for positively influencing legal and policy frameworks. Many new laws and policies were formed in between the project in which Freedom Forum has provided considerable inputs and suggestion. Those legal frameworks have guaranteed media rights and right to information. Likewise, enhancing journalists' legal reporting skills ensure quality reporting in the Nepalese media on a sustainable basis

In order to ensure the sustainability of activities as far as possible, the organisation will ensure that research reports will be disseminated among all relevant actors and the results of the project will be available to all the stakeholders for future continuation of any initiatives under the project.

Even after the completion of the project, Freedom Forum will continue to work for legal and policy reforms of the media, advocate for the protection and promotion of media rights and provide legal assistance to journalists. It will continue the efforts to mobilise resources from other sources, including internal, to sustain such work. In relation to litigation, Freedom Forum members with legal background will continue to provide voluntary expert advice to journalists seeking court justice.

## **5. Analysis**

### **5.1. Project Efficiency**

The overall project was found efficient from every respect. The cost involved on each activity under the project didn't exceed except minor deviation in some activities. All the activities previously desired were completed, excluding some sub-activities. In place of those sub-activities which were not implemented has been changed and Freedom Forum conducted other meaningful activities that were relevant.

However, it goes without saying that, only a single project can not be sufficient to achieve a broader development objective, but our effort on the whole project was effective and worthwhile. The efficiency of each activities are analysed below:

**Output 1:** Number of journalists accused by state and held under illegal detention with abuse of their right to free press and media rights were able to fight against the stat; and others who were forcefully dismissed from their job from media houses received support from Freedom Forum to fight against those owners legally. Though the number of cases in court didn't reach the budgeted figure, we were quite near to our target.

By providing litigation support to journalists in different judicial bodies and lobby through Public Interest Litigation (PIL) for implementation of provision under the right to information and media related acts, we have been able to protect media and journalists in different respect.

Likewise, the compilation of major media and information related cases decided by courts was found very important and the book has been disseminated to lawyers and media persons. It is an innovative step of Freedom Forum to compile and publish cases in particular issue. Overall output under this component, if analysed in term of effectiveness and cost-efficiency is quite satisfactory.

#### **Output 2:**

Some media related laws have been amended and enacted during the later part of the project. The promulgation of Right to Information Act and amendments in Working Journalist Act was the two major things to refer to. This has been achieved by workshops and various meetings with policy makers, discussion with stake holders among others. Only a small amount of budget was expended for these activities.

The publication of the research based report on the prevailing media related laws and policies has been appreciate form different quarters. Discussions were held among

stakeholders before undertaking this doctrinal research which compares and assesses the prevailing law and policies related to media with that of the international standard and best practices. Then draft reports were finally published incorporating the inputs provided by stakeholders. This publication will be beneficial to all the relevant actors. Judging from the efficiency point of view, this is also very satisfactory.

### **Output 3:**

Improvement in the number of journalists, number of news, and quality of legal journalism was the basic objective of this component. Five law beat trainings based on training manual prepared by our resource persons have played a great role in achieving the objective. The involvement of experts as guest lecturers during the training added extra value to the training. Likewise, fellowship to selected trainees encouraged them for continuous involvement in legal journalism and court reporting.

Resource book on court reporting is another output of the project. This output was found to be more efficient among others which can be measured through data. For example, we trained 93 journalists instead of 75 and provided fellowship to 23 journalists instead of 15. The compilation of news by fellows has been published. The number of legal reporting has increased which can be identified by comparative analysis of the period before and after the training. Cost for the output didn't exceed from the amount projected. Therefore, this component is cost effective.

## **5.2. Assessment of Annual Work Plans**

Some activities stated on annual work plan could not be translated into action in first two periods. We have to accept that we prepared work plan with some what low degree of risks assessment which disturbed some of the tasks. It caused delay to accomplish work on time as stated in the annual work plan.

Some of them were also hard to identify. Though, we took four more months to complete the whole task, the final work plan was made more realistic than the previous one.

## **5.3. Risks and Assumptions, Risk Assessment and Mitigation Strategy**

Assumptions	Assessment and comments
<ul style="list-style-type: none"><li>• Taking recourse to litigation can help to protect and promote the freedom of Nepal's media,</li><li>• Advocacy for legal and policy reforms is necessary in changing the</li></ul>	Litigation support programme helped to ensure journalist their right and responsibilities

<p>media environment positively,</p> <ul style="list-style-type: none"> <li>Capacity building on legal reporting and publication of research materials help build knowledge about rights and freedoms and thereby promote interests of the media.</li> </ul>		<p>The advocacy and lobbying are the major elements to pressurize concerned authority for media law and policy reform</p> <p>Legal education through training to journalists and research materials published has increased their knowledge about media rights.</p>
Risks	Mitigation Strategy	
Risk 1: fluid political situation of the country	Change component as per the situation and make action plan more flexible.	Delays occur in conducting programmes, publication of resource book and study reports but managed and accomplished in time.
Risk 2: envisaged litigation support	Freedom Forum plans to work in close coordination with PFGJ as well as the Federation of Nepalese Journalists (FNJ) in order to ensure a wide outreach.	Meeting with PFGJ and FNJ to make journalists aware of litigation support programme, and aware the journalist about the support programme in every workshop and training session.

## 6. Financial Reporting

Fund Accountability Statement & Budget Monitoring Statement have been attached along with this report in a excel sheet.

## 7. Inventory of Assets

Date of Purchase	Particulars	Specification	Permanent ID No. #	Unit	Qty	Value (NRs.)
25 August 2006	Motorbike			No.	1	105,849.00
30 August	Furniture			No.	8	49295.00
31 August 2006	Photo Copy Machine			No.	1	195000.00
31 August 2006	Computer/UPS			No.	2/2	101615.00

6 September 2006	Printer			No.	1	18080.00
	Total					469389.00

*Above assets had not been included in the assets of freedom forum mentioned by financial report for the year 2064/65 because the date of completion of the project was after the date of end of financial year 2064/65 and will be shown next year's financial report.*

## **8. Way forward:**

It has been realised that all journalists could not reach to the concerned agency for justice. The journalists suppressed by the state could not move ahead the cases against the state and without complete press freedom, complete democracy and good governance such cases could not be expedited. Likewise, the coordinated and concerted efforts on campaign and advocacy are always imperative for the amendment of unclear and indistinguishable media laws. With the view to facilitate the process to cut through these existing problems in Nepali context, essence of the operation of law is ever realised.

Although the project was made to provide training to 75 mid-career journalists, Freedom Forum succeed to provide training to 93. However, the request were made for more seats in these trainings. The Organisation has also observed the demand of journalist to provide them such training in many more areas and for a bit longer duration.

Now that the debate and discussion has been going on for the making of participatory constitution, the advocacy and lobbying is necessary to create pressure to the CA to draft the new constitution ensuring maximum freedom of press and media rights with minimum restriction as compatible to the international standard.

Likewise, the media professionals and journalists are still threatened, harassed and dismissed without good and legitimate reason. Even though the statutes of media rights and press freedom seem satisfactory than the previous period, violence them has been is still observed. Cases have been found that the media houses haven't paid even the minimum wages to their reporters and workers, employ them with contract papers and give no attention to their voices. Accordingly, different armed groups, especially in Terai and eastern hilly area, journalists are still in threat to report illegal activities which has hindered the notion of free press.

Lastly, at many instances, we have observed that stakeholders are requesting for its continuity and expansion of its activities in other new component. We hope the donor agency will prioritize to replicate such activities in more new ways and in more areas in the days to come. Some of the areas identified by the organisation include restructuring

of media sector and planning for long-term policies, re-examining current laws of media, national advertising policy, independence of government controlled media, Working Journalists Act's complete implementation to guarantee the physical and social security of journalists, editorial freedom, capability increment of journalists and providing relief package for the journalist killed, injured and victimised in other ways including their families, during the conflict.