



FreeExpression

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A NEWSLETTER OF FREEDOM FORUM

Annual Press Freedom Report Hostility Continues

The immediate past year (May 2017 to April 2018), Freedom Forum painted the deteriorating status of press freedom in Nepal with the rising number of anti-press incidents. Although the country witnessed a positive political development with the successful conclusion of three-tier of elections – local, provincial and federal, thereby ending the prolonged political transition, the election campaigns coupled with skirmishes among cadres of different political parties and between the political cadres and security persons led to the intimidation to the media freedom. More than 200 media persons were affected with a total of 66 incidents of press freedom violations occurred in different parts of the country this past year. It is more than double the previous year, where there were only 29 incidents of press freedom violation.

The intimidation ranges from attack, arrest, detention, manhandle, threat/death threat to vandalism. Despite transitional legal setup, there was no significant change in media related laws and policy. With the governments in three layers in place, the activities drawing media attention will obviously grow in the coming days, but the lack of awareness among newly elected representatives on legal and constitutional rights.

Categorically, there were 27 cases of attack/manhandle, followed by 16 obstructions; 14 death threats, and 8 arrests. The elections publicity including protests, rallies and other political clashes contributed to the rise in the press freedom violations.

SOME TAKEAWAYS

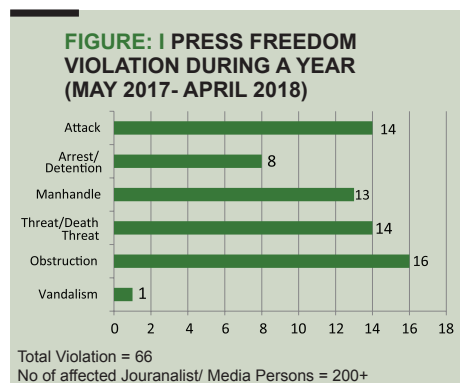
- Among all, Province No 3 recorded the highest number of violations (29), where Kathmandu district alone witnessed 25 incidents. Province No 3 is followed by Province No 4 with the violations numbering 11. Similarly, Province No 2 witnessed 8 violations, while Province No 5 and 7 shared equal number of



(From left) FF's Executive Chief Taranath Dahal, UNESCO Representative to Nepal Christian Manhart, Chief Justice of the Supreme Court Deepak Raj Joshi, FNJ's President Govinda Acharya and CIEDP's Chairperson Lokendra Mallik launching Annual Press Freedom Report on the occasion of World Press Freedom Day 2018.

violations- 6 each. Province No 1 and Karnali Pradesh (Province 6) also had equal number of violations 3 each.

- Mainly government employees, political party cadres and security staffs involved in the press freedom violations.
- Most of the violations occurred while journalists were covering public interest issues, irregularities and corruption, political demonstration, elections and vote count, bribe and smuggling.



- With the growing expansion of internet, the number of internet-based news outlets/portals has increased sharply. The latest update on number of such news portal listed by Press Council Nepal is above 1,100. It however may be more in number across the country. Similarly, National Telecommunications Authority has put the internet penetration rate at 63 percent of total populations of the country.
- The hassles between court and media remain prominent this year as well. Filing contempt of court case against the media house and journalist for the published news content had garnered opposing views from media fraternity that put judiciary in controversy and also somehow affected the notion of press freedom.
- Despite efforts from informal sectors, no laudable effort from government side was realized to address the impunity issue for crime against journalist. Thus, impunity against journalist remains the same.

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Message from Executive Chief

Respect Constitution, Stop Intolerance!

An orthopaedic surgeon Dr Govinda KC was arrested in remote Jumla district on June 30 after he began the 15th round of fast-unto-death strike, seeking reform in the medical education sector. A group of people were arrested from Maitighar Mandala of the capital city because they were objecting to government's recent ban of demonstration and peaceful protest in public places. Gangamaya Adhikari has been staging fast-unto-death strike for over three weeks, demanding justice to the murder of her son, but in vain. A talk program on a television was shut down merely because presenter (journalist) asked question to the Minister about the source of his properties. Press Council, a government body to regulate media contents, is misused to intimidate another TV journalist. The series of hostility does not end-



peaceful protests to get the government address people's voices, demands and grievances from the public places including Maitighar Mandala, a public place near the central administrative office, Singha Durbar, used for rally and demonstration for decades in Nepal and the area around all district administration offices is another severe restriction. The government is exhibiting the highhandedness and authoritarian character, suppressing the people. Limiting public space is

limiting people's right to peaceful assembly and freedom of expression. Equally alarming is the growing surveillance on social media over citizen's views that criticize the government anomalies and aberration. Anyone objecting to 'I-know-all syndrome' of the government are getting stalked and trolled. It is worth mentioning here that a senior editor, Keshav Ghimire in Dharan, an eastern city of Nepal, had to go hiding for a week to avoid arrest over his views on social media.

Ministries have issued circulars to the civil society organizations to get their registration and approval request passed from various levels and government offices. The CSOs are asked to be limited to a single objective, and warned of getting scrapped if not renewed for three consecutive years. The integrity policy is another move the government brought in the name of maintaining good conduct but suppressing CSOs' presence. In order to implement the constitution, various laws are being formulated in a guided and controlled.

These are some unfolding incidents which are pressing enough to question civil liberties and democratic practice in Nepal. These activities clearly indicate government's hostility to civic space. The values of freedom and liberal democracy are attacked, creating fear and spreading panic among citizens, good governance crusaders, civil society organizations and office bearers, rights defenders and the justice seekers and journalists.

Nepal's constitution has finely ensured citizen's right to peaceful protest and assembly, establishment of organization, and freedom of expression and association. But the above mentioned activities of the government are egregious violation of the fundamental freedoms. Once the freedoms are breached, the values and culture of democratic system are eroded. Such activities of the government having huge majority of communist parties has not only created anomaly but also tightening the noose to civic space in the name of stability and prosperity in the country. With this, the values of freedoms in the eye of government and the people have contradicted.

When the Home Ministry issued circular to its subordinate offices on strict regulation of NGOs' activities through various gates, it received huge criticisms and objections from civil society and the media fraternity. It is a blatant move to shrink the rights of civil society. Similarly, banning people to make

Moreover, the questions and concerns posed by the common citizens over social media and even by the opposition parties in the parliament are mocked and debased outright rather than addressing properly. The snobbish behaviour meted out on people clearly indicates the stupor of the majority in parliament. The politics of negation rather than of consensus and cooperation has gripped the government. Rather than taking appropriate measures to hear the grudges, the government is acting as an element to fester the wounds of the justice seeker Gangamaya and Dr KC, and panicking the general public and society.

Against these authoritarian activities, Freedom Forum, as a civil society organization, has been untiringly playing the watchdog role, putting forth its views and criticisms on the issues ranging from government decisions to policies/acts that jeopardizes citizens rights. It is closely observing the media and mass communications related policies and announcements of the federal and provincial governments and reviewing accordingly. In this connection, it was found that Province-1 brought the Radio Act without extensive debate and discussion, and incorporated the provision that it could ban radio for six months. Media policy in Province-4 was also brought against the provision and spirit of the Article 17 and 19 of the constitution.

Because the present constitution is the national charter got after long struggle, FF is aware that the rights especially Article 17, 19 and 27 it has provided must not be shrunk from any side. It is indeed the utmost priority of FF. In order to make this constitution successful, the government must adopt liberal and open work procedure being accountable to the citizens. The government must end intolerance for it. The efforts from the central and provincial governments to target and control CSOs and media with new policies must end; otherwise democratic pillars would erode badly. 🌱

- Tara Nath Dahal

RTI App Bridges Students and Exam Board

RTI Nepal, an app designed to disseminate information on RTI and its process of practices by citizens is now becoming useful tool among the students, journalists, human right defender and public to seek public and their personal information held by public agencies. Use of RTI laws with inspiration from the information received from the app after recently published SEE results shows the impact of the app among students. Office of Controller of Examinations (OCE) published 463,689 student's Secondary Education Examination (SEE), an examination of grade 10, result on 23 June. Following the results, Freedom Forum appealed to students that they could get their copy of answer sheets if they were not satisfied with the marks obtained. The information was disseminated via social media and RTI Nepal App. Following the information through RTI App, students from different parts of the country started contacting via phone and email to FF with the expectations of cooperation. FF started facilitating students for getting copy of answer sheets at Office of Controller of Examinations (OCE). During the process, FF went through the official website of OCE to know about the procedure of re-totalling and getting copy of answer sheet. However, it found neither process of re-totalling and getting copy of answer sheet nor the name and contact detail of Public Information Officer (PIO) of OCE's website.



In this context, FF informed National Information Commission (NIC) about the matter keeping in mind thousands of students who were awaiting simplified process for getting their copy of answer sheet but the responsible agency is not provided sufficient information to the students. Following the request from FF, Chief Information Commissioner, Krishna Hari Baskota, directed the Secretary of Ministry of Education (MOE) Mr. Khaga Raj Baral to address the grievance and ordered to OEC to provide detail procedure of re-totalling, process of getting copy of answer sheet and information of PIO in the examination controller's website. Following the directive from NIC and Ministry, the OCE has uploaded the detail information of PIO in their official website (<http://soce.gov.np>). OCE, however, has not yet provided the time frame and process details of re-totalling and providing copy of answer sheet to students.

FF contacted PIO Mr. Bishnu Mishra to know the process of getting copy of answer sheets of students. He shared the process of getting copy of answer sheets and said that student could apply themselves for copy of answer sheets along with current mark sheet after completion of re-totalling process in the OCE. An App bridged the students and regulatory agencies where FF's initiative could be huge relief to numerous students who are not satisfied with the mark in view of their performance in the exam. FF is ready to cooperate with student who wants to know the information about re-totalling and getting copy of answer sheet. 🌱

Press Freedom Violations

Ward Member Issues Death Threat to Scribe, Apologizes Later

To a sheer lack of awareness about citizen's right to information enshrined in the constitution, a people's representative issued death threat to the information seeker and apologized later, realizing the mistake.

Ram Badahur Gurung, a ward member of Lekhnath Municipality-21 manhandled and issued death threat to Pokhara-based journalist Himlal Poudel for seeking information about the activities in the Ward Office.

Talking to the legal desk, journalist Poudel informed that he had filed a RTI application seeking information why the women from privileged community participated in bee keeping training which was actually planned for the under privileged group. He also filed RTI application requesting information about the allocated budget and reason for delay in road construction in the concerned municipality. He had been continuously reporting these issues in his online news portal.

After manhandle and death threat, journalist Poudel filed a complaint at Chhorepatan Police Office, Kaski, seeking his safety and action against the accused. Upon his

complaint, Deputy Superintendent of Police Nabin Karki called the Ward Member Gurung and journalist Poudel at the police station for the investigation.

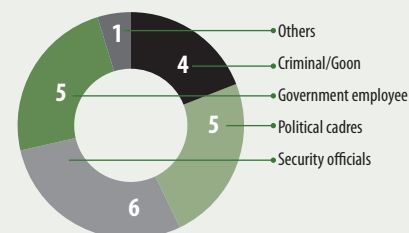
According to journalist Poudel, "SP called both of us at the police station to resolve the issue. As ward member Gurung said, he had initially thought that filing RTI application at the institution meant filing personal case against him. Owing to his unawareness about the right to information, he misbehaved with me."

Moreover, SP and the journalist had to make him aware about the RTI laws. Following this, Gurung apologized, admitting the mistake and even reconciled in writing. Finally, he has pledged for cooperation and coordination with media and RTI activist in coming days.

FF appreciates the prompt action of the security personnel against the complaint and the effort to make the ward member aware about the RTI laws. Similarly, the incident reflects that the local representatives are not well informed about the RTI law despite having this law in place a decade back. It also points out the need of proper orientation on RTI to the newly elected representatives, so that they could respond duly to the RTI applications, thereby fostering transparent practice in local governance.

At a time when the local levels are shouldered with the responsibility of delivering numerous services to the people, the knowledge of the fundamental rights of citizens- RTI- among the people's representatives is imperative. 🌱

Elements Hostile to Media



Police Persons' Hostility to FoE, Media

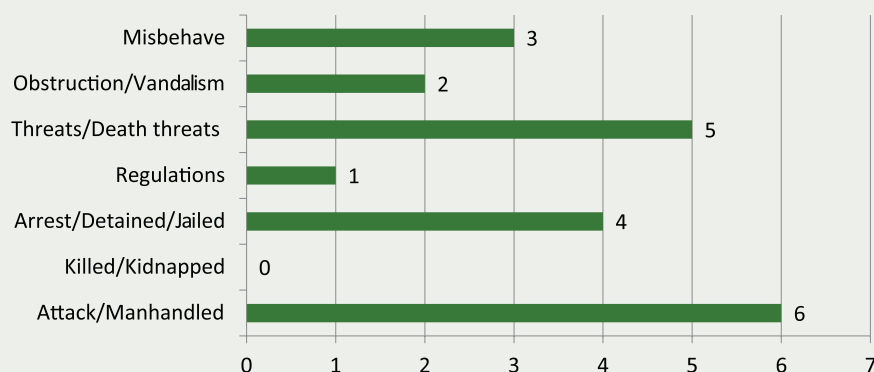
A. Senior Superintendent of Police Dibesh Lohani, an accused in Gold smuggling case, attacked the reporters with www.onlinekhabar.com (an online news portal) Dhruva Bhattarai and Ujjyalo News Network Suman Suskera while reporting in Biratnagar on May 2.

Freedom Forum's representative for Province 1, Bikram Niraula reported that among those accused in gold smuggling case, SSP Lohani kicked the reporters while they were taking pictures of the accused. While leaving Morang District Court premises, SSP Lohani not only kicked reporters but also verbally abused them.

Representative Niraula further informed that the senior police officer also spoke foul to reporter for www.bijmandu.com (an online business news portal), Ananta Neupane, and correspondent for the Blast Times daily, Anil Shrestha. It came to know from the Freedom Forum's monitoring archive that SSP Lohani had also manhandled journalists two years back in Saptari, a southern plain district of Nepal.

B. Four journalists were detained for five hours by the Tribhuvan International Airport authority from the airport on May 31 for shooting video of reportedly smuggling activities. Police took TV Annapurna online television journalists Raj Kumar Bista, Raju Subedi, Bimal Khadka, and Sharmila Subedi for questioning and kept them in detention until they agreed to delete a video taken at exit of the airport.

Violation Types in Media



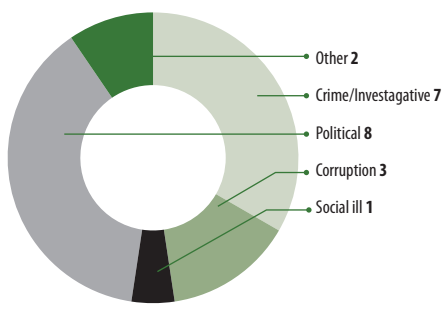
According to journalist Raju Subedi and Bista, a police officer took them for questioning and threatened to jail if they didn't delete a video capturing his involvement in helping a woman reportedly involved in smuggling from the airport, to carry her bag.

"They seized our camera, mobile and all communication equipments and didn't allow to contact anywhere for five hours. We had to go through mental torture and threatening in detention," said Bista. The journalists were reached to the airport for reporting with several cameras following a tip off about smuggled gold arriving at Kathmandu airport through Fly Dubai from United Arab Emirates. Kathmandu airport has been exposed as an area prone to gold smuggling after arrest of a smuggling racket and security officials for colluding to escape the smuggled gold from the security checking at the only international airport.

Journalist Bista claimed the police forcefully deleted the video fearing that his wrongdoing would be made public. "They have also threatened us of grave consequences if we released the video through any means. We want investigation about the activities of the police and our security to the government and organizations working for journalists' rights," said journalist Subedi.

According to the journalists, the video was taken inside the airport premises after prior consent from the airport authority and police officer. However, SSP Dev Bahadur Bogati of Nepal Police claimed that the journalists were never detained but taken at the office of aviation department for questioning on shooting inside the airport without permission. "They had asked me for permission but I suggested them to take permission from aviation department but the department found them while taking video without the permission from the office," said SSP Bogati. The police also claimed that their mobile phones were not seized but asked not to record audio during the police questioning and the case settled after journalists agreed to delete the video taken without having permission.

Content wise Threat



C. Rabibal Pandey, reporter and publisher of Sthaniya Patra, a weekly print media in Nawalparasi, was arrested and misbehaved by security personnel while covering news on 13 May 2018. The security personnel associated to the Nepal Police arrested journalist Pandey from Butwal- a major commercial city of the Province-4 – at 4.00pm. Before the arrest, police personnel abused him for allegedly attending the protest rally organized in the city against the state visit to Nepal by Indian Prime Minister.

Journalist Pandey shared the information with the Media Monitoring Desk of Freedom Forum, "The Area Police released me only after three hours - around 7.00pm." He further informed that police misbehaved, arrested and detained him despite presenting him as a working journalist.

D. A police team arbitrarily removed a banner reading "Welcome Mr Modi but we have not forgotten the blockade" from the office of Bibeksheel Nepali Sajha Party at Bakhundole, Lalitpur, on 11.

A team led by a Deputy Superintendant of Police (DSP) reached the party office and took away the banner. Supporters of the party staged the demonstration in front of the party office at Bakhundole and set aloft balloons with the same slogan. The incident occurred when the party expressed reservation on the two day Nepal visit program of Indian Prime Minister. The party apparently wanted to highlight the blockade condemning the then action of the Indian government, shared the release issued by Bibeksheel Sajha Party.

E. Correspondent at Janakpur based Mithilanchal FM, Bikash Thakur Arya, was manhandled by a police person in Janakpur on May 25. Janakpur is the capital city of Province 2.

Freedom Forum's representative for Province 2 reported that correspondent Thakur was manhandled while reporting on Ganga Aarti, a religious festival performed in the evening. Police Constable Badababu Yadav caught correspondent Thakur by his neck, slapped and spoke foul to him. Constable Yadav also took him to the District Police Office and released him after an hour, Singh further said.

F. Rajib Raya Kurmi, a reporter associated with NTV Mahottari was manhandled by police constable Rajendra Bahadur Basnet on 4 June in Mahottari district. Mahottari district lies in Province No 2.

As per Province 2 Representative for Freedom Forum, Rajan Singh, reporter Kurmi was

manhandled while he was clicking the picture of another police officer Rakesh Raya, who is said to be taking bribe from a smuggler. Police officer Raya is alleged of taking bribe at Samshi Rural Municipality.

Constable Basnet who saw reporter taking pictures of his colleague caught reporter by the neck and asked him to delete the photo immediately. Later Basnet released the reporter after Kurmi showed his journalist identity card, claiming that taking pictures was his right.

Thereafter, Basnet again fumed against reporter Kurmi saying he was ready to bear any consequences. Quoting reporter Kurmi, representative Singh said, "Reporter had reached near the border point to report on Police officers' alleged involvement in the smuggling at Samshi-Mahottari. Reaching on the site, he himself witnessed police officers in uniform were taking bribes from the smugglers and thus, clicked for the pictures."

"Unaware about the incident, Chief District Officer Baburam Shrestha has said that he will promptly investigate upon the case and will punish the police officer if found culprit", informed representative Singh.

Barred from Reporting Major Event

Journalists from Nepali private media houses were barred from covering news of Indian Prime Minister Narendra Modi's visit to Muktinath Temple in Mustang and his civic reception in Kathmandu.

Irrespective of having special entrance pass issued by the Department of Information and Foreign Ministry for the event, media persons were forced to remain outside the City Hall premises. Following the authority barring journalists from covering the event, journalists had resorted to stage protest by putting down their camera and pen. Surprisingly, Indian journalists and journalists from state-owned media were only allowed entrance to the program venue. "We put down our camera on the floor for 20 minutes after the authority barred us from covering the event irrespective of having special press," said Xinhua News agency photographer Sunil Sharma.

Earlier, Nepali media were barred from covering Modi's worship at Muktinath Temple in Mustang. Chief Minister of Province 4, Prithvi Subba expressed objection to the discrimination imposed on Nepali journalists during Indian PM's Muktinath Visit. About 25 journalists were affected from the incident.

Local Representative Issues Death Threat

Editor-in-Chief of Naya Bikalpa weekly and www.nayabikalpa.com (an online news portal) Damodar Prasad Dawadi was issued death threat over the news published on May 22 in Kathmandu.

Freedom Forum's representative for Province 1, Bikram Niraula, reported that Ward Chair of Gauradaha Municipality, Jhapa, Nagendra Bhandari and Local Road Users Committee's Chair Devendra Khadka threatened editor Dawadi for the publication of the news entitled 'Irregularities in Finance Minister's home district revealed' in the print weekly and online portal.

Talking to FF's monitoring desk, Editor Dawadi said, "Ward Chair Bhandari and Ex-Member of Parliament Deepak Karki rang me up on cell phone for 20-30 times continuously from 11:00 am till 10:00pm. They repeatedly forced me to reveal sources of the news and name of the reporter. Again, Consumer's committee Chair Khadka threatened me, saying we overthrew King Gyanendra, and were well aware how to deal with journalists like you. We will see you in Kathmandu within this month."

Government Official Misbehaves with Reporter

Chief District Officer (CDO) in Parsa, Loknath Poudel, misbehaved with reporter of the Parsa based local Public FM, Pranaya Saha, while reporting about sanitation in public offices on May 29. Parsa district lies in Province 2 of Nepal.

Province 2 Representative of Freedom Forum, Rajan Singh, reported that the incident occurred at District Administration Office (DAO) Parsa. Reporter Saha had gone to DAO for reporting on the sanitation on the office premises.

While inquiring CDO about the sanitation and lavatory, he without answering the question, commented, "All the journalists of Parsa are brokers." Reporter Saha added, "CDO threatened me saying he does not entertain the reporters. He has dealt with many reporters like me. He said to me to leave his office or bear the consequences." However, CDO Poudel claims that he had not misbehaved with the journalist.

Customs Chief Manhandles Reporters

Reporter to the Sagarmatha Television, Ganesh Saha, and reporter to Annapurna Post daily, Santosh Yadav, were manhandled by Chief Customs Officer of Madar, Siraha, Rajendra Hamal,

while inquiring about the monthly customs data on May 27. Siraha district lies in Province 2 of Nepal. Province 2 Representative for Freedom Forum, Rajan Singh, reported that the incident occurred at the Customs Office where the reporters had gone to make news about the monthly customs details.

Reporter duo shared that while inquiring about the same with the Customs Officer he grossly replied "I have no time to answer your queries." Reporter Yadav added, "He told us to take permission before we come for reporting and snatched reporter Saha's mobile phone and broke it. He even tried to delete the photos we had taken and shoved us".

After the incident, the reporter duo informed the Law Minister of the Province Gyan Kumar Yadav and Chief District Officer Rudra Prasad Pandit about the manhandle.

Journalist Giri Injured in Attack for Writing News on Illegal Crusher Business

Journalist Dinesh Giri sustained injury on his head for writing news against illegal crusher business in Belbari, Morang. Journalist Giri was attacked by unknown gang on 2 June at 8.30 pm in his own house. He is associated to Betena FM and www.nirantarkhabar.com news portal. The incident occurred at Belbari, Morang. Morang district lies in Province No 1 of Nepal.

As reported by FF's representative for Province No 1, Bikram Niraula, journalist Giri was attacked by a local gang of Jagen Gurung, Chitra Khadka and Bishal Thapa with knife which caused injury on his head. He had to undergo treatment at Nobel Hospital, Biratnagar.

According to Giri, the attackers are associated with local crusher industry that is being operated illegally in the area. Journalist Giri had published news about the same in his online. Ram Kumar Rai, Inspector at Belbari Police Range, informed that two perpetrators namely Chitra Khadka and Bishal Thapa were arrested and Jagen Gurung was being searched. Inspector Rai shared that the case was being investigated seriously and FIR filed against them under the murder attempt.



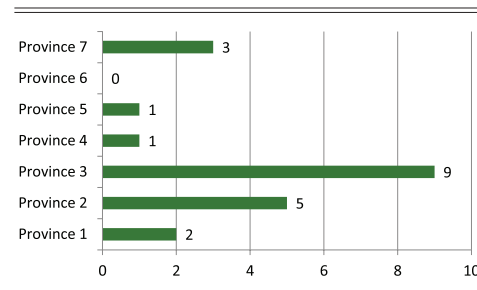
Threat to Journalists over Facebook; Mistake Admitted

Series of threat were issued to journalists over Facebook by a political cadre namely Prakash Bista at Lamki of Kailali district.

Bista made Facebook status showing dissatisfaction over the news published in a local newspaper which questioned the works of Mayor and government employees of Lamkichuha Municipality.

After receiving the threat via Facebook, a group of journalists filed a complaint at Federation of Journalist (FNJ) Office. Consequently, the police took under control Bista and grilled him about the threat. Later he was released after he admitted the mistake regarding the matter and reconciled in written and made apology as well. He also agreed to respect press freedom and not to repeat such act in future. Freedom Forum takes the realization of the mistake by Bista positively.

Province Wise Threat



Woman Journalist Manhandled, Threatened

A group of stock traders and investors manhandled journalist Ms Sudha Devkota associated to www.merolagani.com, a stock market focused online portal in the capital city, on June 5 over a reporting on stock market.

As per the information garnered by Freedom Forum's Representative in Province No 3, Ashok Dahal, reporter Devkota had reached the Kamalpokhari based Creative Securities, a stock broker office, for news coverage about the protest of investors against the decision of the government to increase tax criteria on share trade in the recent annual budget.

The traders and investors verbally misbehaved with her- asking why she did not cover their agenda of protest in the news story. "They vented ire against the merolagani.com for not writing in favor of them. Though she I defended that the reporting was based on facts, they encircled her and warned of forcing her to quit the job," said Dahal, quoting reporter Devkota.

Following threat and misbehaviour, the journalist returned to the office without concluding the news reporting. Editor of merolagani.com, Rajendra Khanal, maintained that the media would not publish any news on anyone's favor owing to such threat or lure.

Threat to Remove News from Online Portal

Leaders of a student union affiliated to the ruling Nepal Communist Party (NCP) have threatened the journalists of www.hamrakura.com -an online news portal- to remove a news about union's chairperson.

According to the Executive Editor of the online, Madhav Chamlagain, seven persons including a central committee member of the All Nepal National Free Student's Union (ANNFSU) forcefully entered the newsroom of the office at 7:00 pm and pressed him and other journalists to remove the news from the online.

As per the Province 3 Representative for Freedom Forum, Ashok Dahal, the group also resorted to commotion terrorizing the journalists in the

State TV Journalist Loses Job for Critical Question to Minister

State owned Nepal Television has shut down a talk show and terminated contract with the talk show host journalist Raju Thapa for asking a property related question to the Minister of State for Communications and Information Technology Minister Gokul Baskota.

Thapa had been running talk program 'Sidha Prasna' (direct question) at the government run television for last 12 years- since the democracy was reinstated ousting the direct rule of the King through people's movement.

Journalist Raju Thapa shared with Freedom Forum's Province-3 Representative Ashok Dahal "News chief of the TV informed me on June 12 that they were unable to air my talk program further following the pressure from the Minister over my questions to him during the talk show on May 26."

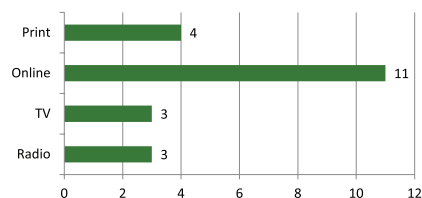
According to the journalist, the television informed him that his talk show was closed following the instruction from the Minister.

"News chief of the TV informed me on June 12 that they were unable to air my talk program further following the pressure from the Minister over my questions to him during the talk show on May 26" -Journalist Raju Thapa

According to the journalist, the Minister was irked by him for questioning critical question in the state-run television under his own Ministry. Numerous social media users vented ire against the government and the Minister for exhibiting autocratic tendency.

Thapa posted on his Facebook page that the act of the Minister has exposed the government approach of controlling media and journalist and freedom of the press in Nepal. He has also urged the concerned stakeholders to evaluate the incident similar to the autocratic move of the government. 🌱

Media Wise Threat



newsroom in the evening. Asking journalists to remove the news immediately, the group warned that they won't leave anyone until the news about ANNFSU Chairperson Nabina Lama was removed. "We had to go through mental torture and harassment for 45 minutes. They left the newsroom only after we said that we didn't have technical access to remove the news," said Chamlagain.

Lawmaker turned student leader Lama also threatened Ajay Babu Siwakoti via telephonic conversation to remove the published news or face the cyber crime case.

Shiwakoti also shared, "After the incident journalist in my office are afraid to work and feeling unsafe here."

The online had carried news about harassing message of Lama to an individual while asking about the student unions further plan against petroleum price hike by the government, which went viral on social media. The online had also published refutation sent by Lama after she denied the accusation.

Television News Chief Attacked

Kailali based STS Television News Chief Mr. Lokendra Bista was attacked on March 8 by three unknown persons. Kailali lies in the far western region of Province 7 of Nepal.

According to Dev Raj Pant, Freedom Forum stringer for Province-7, Bista was attacked while he was returning home from TV Station at 12:45 am in Bisalnagar.

"The attackers assailed Bista, saying: You are the person who works in a television, right?" said representative Pant quoting News Chief Bista.

Bista sustained injuries in his face, chest and back. The attackers also looted some cash from Bista. They were riding a motorbike, Bista informed to FF's representative. The local police informed that they have already started the investigation of the incident. 🌱

Women Presence Matters

Nanu Maiya Khadka



“News that does not include equal roles and perspectives for women threatens democracy,” says Julie Burton, President at Women Media Center. Women Media Center’s report on status of women in the US Media contents in 2017 said that men received 62% of byline and women received only 38%, while

women were among 32% of the source quoted in the news contents. Similarly, Breaking Gender Stereotypes’ study on gender in Myanmar news on 2017 showed that only 28% of stories were covered by female reporters, compared to 72% male and only 16% of the sources in the news were women.

Likewise, Global Media Monitoring Project 2015 reported that only 37% of stories published in the print and electronic media are reported by women and on the other hand, they make up only 24% as news sources quoted. The study was carried out in 114 countries, including Nepal comparing data recorded from 1995 to 2015 which showed very slow progress of gender parity in different forms of media.

In the report, Nepali media showed 23% bylines of female against 77% of male after monitoring news contents from newspapers, radio, television and online portals. Meanwhile, a recent monitoring report of nine national dailies and six online news portals brought by Freedom Forum from April to June 2018 shows that among total 623 known bylines only 11% are of female and 89% are of male, whereas only 10 % among those quoted as news sources are women. However, contents in the Op-Ed (opinion) section depict 21% inclusion of articles written by women showing close tendency towards gender parity in comparison to main news. Freedom Forum has been continuously monitoring the Nepali media contents since 2016.

In the previous three months, percentage of women as news sources rose to 12%. Why women are sourced very less often while making news is a pertinent issue in deed. Likewise, after monitoring the dailies from seven provinces of Nepal from January to June 2018, FF concluded that only 9% news received female bylines and 11% women were quoted as sources in 978 news stories. Those are few examples which show clear picture on worldwide underrepresentation of women in media. It is also well known that not only in media sector their voices remain unheard in multiple sectors. Not only their presence in the media contents is low, but also their presentation in the stories is submissive and perpetuating the long-existing stereotype. Various reports say among the stories where women are subjects, only 10% challenge the stereotype and remaining one still portray them as victims and poor characters.

Self realization about their own inclusiveness by the media authorities and proper orientation at the newsroom would be one of the catalysts to increase women’s voices in the mainstream media contents. Realizing the fact that media are effective tools to bring change by empowering women, seeking balanced presence of women in media itself is a new approach the FF adopted. Though slow and small, changes are being realized. With constant prodding with the periodic reports, the media houses have begun discussing how they could increase women journalists by creating more favourable atmosphere for them. 🌱

RTI for Transparency

Bhawana Poddar



With the new system of federalism in place, the country has got 753 local levels and seven provincial governments in addition to the federal government in the centre. In view of the changed political and legal system, people’s aspiration for change and development has mounted. High hope is placed on the people’s representatives.

The federalism is meant to bring transformation by eliminating the unitary system, which is blamed to have failed to keep public service in priority.

Public service delivery can be ensured effective and smooth when the good governance is built in the country. For this, the role of people’s representatives and the government employees is very significant in deed. The mindset of the past does not work anymore. When people’s rights are given utmost importance and the activities carried out accordingly, it helps form base for change. It encourages the people’s participation in decision making and development activities.

Another major aspect of good governance is the transparency and there are various tools to boost transparency in the government activities. The transparency makes people aware about the activities going on in their respective local levels and provinces. Right to Information is undoubtedly an effective tool to guarantee transparency. Seeking information of public importance with the use of RTI not only makes people informed about government activities but also holds the government employees (public officials) accountable.

In view of the above reality, FF has been continuously providing orientations to public officials and training to vibrant youths on RTI across the country. It is in deed a regular advocacy for good governance and transparency since the introduction of the RTI Act in Nepal. In this connection, FF has begun orientation and training to the public officials working at local levels, so that they could be capacitated to address people’s issues and demands and bridge the gap between the people’s representatives and people.

Meanwhile, during the training FF organized for public information officers in Bhaktapur from May 24 to 26, Information Officer from Siddhalek Rural Municipality, Ms Laxmi Poudel shared that she was given the responsibility of information officer just 15 days before the training, so she was grateful to FF for this opportunity. She even asked the organizers to conduct such training in various districts.

In the Dang training, a declaration was issued by the attending information officers. In the declaration, they committed to:

- Making effective distribution of information and services to citizens
- Allocating some portion of the budget to RTI trainings
- Disclosing office information every three month as proactive disclosure in line with RTI Act.
- Asking for necessary law and policy for provincial government and form a committee in provinces for effective flow of information. 🌱

Desperate Wait for Justice

Impunity on Crime against Journalist

As is the advocacy for freedom of expression and information, and journalists' rights, the study and update on the impunity related to crimes against journalists is another core activity of FF. In this regard, preparation of study report and a documentary on the media persons killed and disappeared during two decades from 1996 to 2016 was a recent activity. Around these issues and updates, FF has reached a family member of a journalist who was killed during the insurgency time and taken interview about the family tribulation, struggle for justice and others.

Ms Trishna Acharya is a daughter of slain journalist Dev Kumar Acharya (D Kaudinya). As per the family, Kaundinya was killed during insurgency on 23 July 2002 inside Army camp at Charali Jhapa. A resident of Khudunabari in Jhapa district, he was associated with the Janadisha daily and Arko Bikalpa weekly. He was also a teacher at a local campus. Army persons had taken him under control and killed within 24 hours. Trishna Acharya recently visited FF office and shared her experience as a victim family and struggle for justice. **Legal Officer at FF, Ms Ashmita Pokharel**, interviewed her, so that she could share the horrible past and the tribulation the family underwent following the loss of father.

Do you remember the incident?

I was 11 years old when my father was killed by the security forces. I remember everything that happened that day. It was quite unexpected. I met him one month before his death. The security officials had already threatened us that they were going to kill my father. The army visited our home and took my father's photos for the identification.

One day suddenly my mother got call from them and the same night we were handed a dead boy of wrapped in a black plastic. Inside, it was my father dead-- killed excruciatingly. There were three deep cuts in his chest and his toe was fractured. I can never forget that horrible night.

What was the reason behind that brutal incident?

Till now we have not got any answer from the

transitional justice body, so we cannot tell exactly what the reason behind his killing. Nevertheless, at the time of insurgency, he was labeled as a rebellion Maoist, but actually he was a journalist. He used to write in the Swadhin Sambaad, Janadisha daily and other newspapers. He also was a lecturer and was about to be the Tribhuwan University gold medalist.

He was killed not because he was a Maoist or he was carrying a weapon. Rather he was killed because he was an intellectual, vocal person who used to speak his mind. He was raising his voice through different media that didn't favor the then government.

How are you and your family coping up with the loss of your father?

We are in post-traumatic phase because we feel very difficult to relate it with people some time because of the post conflict social psychology. People regard us as an outsider and treat differently. Psychologically, I still suffer from nightmares. I still feel uncomfortable to express my view. My mother warns me not to express openly what I think because she thinks people may backstab me; they may kill me as they did to my father. Such fear is still haunting my family. It is also because we were backstabbed politically as well. We are facing very traumatic experience of conflict in deed.

Do you think the things that happened to you back then still have effect in your present life?

Yes. It's like a festered wound, because in Nepal, politics has taken a different course, thereby ditching conflict-era issues. Government has been selling traumatic stories and experiences with money. They have been trying to provide reparation in money i.e Rs 1 million, which however is a sheer injustice. Social discrimination against us is fueled along with the trauma. Therefore, the incident still anguishes us.

What help has been provided by transitional justice bodies to you?

The transitional justice mechanisms- Truth and Reconciliation Commission and Commission on Inquiry of Enforced Disappeared



Slain Journalist Kaudinya



'My father died once but we are dying every single day to know the truth behind his killing',

- Trishna Acharya, daughter of slain journalist

Persons- established to cater justice to the conflict victims have done nothing. Mere distribution of money does not ensure justice. We want to know why our father was killed and who did it. I just want to ask the Commissions- either just kill the victim families or don't delay the justice and further victimize. My father died once but we are dying every day to know the truth. We want justice as early as possible. Do not take things lightly. Justice should prevail. 🌱

Women Journalists Speak for Visibility

Editor of the Udghosh daily, published from Province 1, Mr Bandhu Pokharel said, “The study made me aware about the need of gender inclusion in our contents and organization, but the fact is that there are no women even at policy level, and very few as journalists in my Province.”

At a time when online media were struggling to establish their identity with the spurt of media in Nepal, the study report has given recognition to the online media, editor Sushil Pant at www.lokaantar.com shared happiness. They were speaking at an interface Freedom Forum organized on Women’s Presence in Nepali Media in Kathmandu on June 28, 2018.

During the program, report of the monitoring of news byline, contents sources, presentation of women issues in major national dailies published from capital city, and from provincial level and six online media was presented by FF. The study period covered three months from January to March 2018. As per the report, women were underrepresented in the Nepali media contents with only 9% in bylines and 13% as news sources in 2,397 new stories. Majority of female bylines and sources were found in the social and legal news except for maximum female sources in economic news from online.

On the occasion, editor at www.hakahakionline.com, Mr Kamal Dev Bhattarai stressed that while the working environment was improving nowadays, media houses should always encourage female journalists, and female journalists too need to be assertive on mainstream reporting. Lack of inclusive policy and orientation at newsroom are important factor behind less representation of women in media, he further informed.

Responding to Mr. Bhattarai’s comment, English desk editor at National News Agency, Ms Pabitra Guragain, questioned, “How can we become assertive while there is no empowerment and opportunity?” Giving an example of a story of successful player, she said, “While reading the story I was searching for his mother’s quote but I was surprised to find quote of his father only. So this is the fate of Nepali media.”

Young reporter for My City supplement of Republica daily, Ms Sonam lama, praised the study. “A progressive approach will be a tool for increasing women’s participation in Nepali media. But, we should also be proactive, responsible and forward for our self-recognition,” she argued. Section Officer at Department of Women and Children, Mr Shreedhar Gyawali, said



men should be engaged to empower women in media and allocating a separate page for ‘women only’ may encourage women. The objective of interface is to bring media editors, journalists and concerned authorities together and discuss upon the issue to find way forward for gender equality in media.

Reporter at the Annapurna Post daily, Ms Sapana Maharjan, also said, “We female are always swayed unnecessarily by cultural hegemony. So let’s come out of this hegemony and empower ourselves.”

During the program, participants recommended that provision of incentives and training for female journalists would also motivate them for coming to mainstream media. Conducting research on dropout rate of female reporters in media over years and providing training on lead writing to journalists would help increase their presence in media, they suggested. Earlier, during the female only interface on the same topic, FF organized May 31, 2018, the participants had said social beat was hastily generalized as ‘feminine beat’, most of the females were reporting on it, resulting in lower visibility compared to male colleagues.

“Isn’t it high time we mainstreamed social issues- the issues of women and children- now? Nepal is now in relatively stable situation. So, we can focus on social issues,” said Ms Rama Luitel, encouraging the fellow reporters, arguing that social news helps bring bigger change than the political news does. When some female reporters complain that they are generally given social beats, she responded there was no point in belittling social beat reporting. Social beat is more important than others, she underscored.

Similarly, journalist Durga Karki said, “Male reporters should be instructed to do social beat, so that they learn more on sensitivity of women and children.” According to her, perspective of male and female reporters on a same issue is different, so the presentation of the story may vary.

In view of female’s short stay in media, reporter to Annapurna Media Network, Srijana Khadka said, “I’m working on a thesis on ‘Career of female journalists after marriage in Nepal’ to dig out more issues as how difficult the women journalists’ life is in media before and after marriage in Nepal.” She also said the news related to politics and government was dominating Nepali media. 🌱



Media Law Update

With the successful conclusion of all three tiers of elections in line with the new constitution, Nepal is now implementing the federal setup. In the changed political and administrative context, the government is drafting and amending laws to make them consistent and relevant to the national charter.

With this in background, FF has traced down some of the laws related to freedom of expression and information, communications, privacy and internet freedom that are being drafted and amended by the newly formed governments. Some of the laws identified are listed below:

1. Mass Communications Bill 2074 BS (2018 AD)

This draft bill has been consolidated to regulate the entire communications sector in a single umbrella act. It aims to revoke three existing acts related to communications sector namely, Press and Publication Act 2048 BS (1991), National Broadcasting Act 2048 BS (1993) and Working Journalists Act 2051 BS, (1993). The bill has envisioned the establishment of National Mass Communications Authority for regulating license and professional ethics as well as self-regulation of the media houses. The bill has envisioned the setup of new institutions such as National Mass Communication Training Academy, media/ journalism museum and information bank as well as journalist welfare fund among others.

2. Public Service Broadcasting Bill, 2074 BS (2018 AD)

Public Service Broadcasting Bill-2074 has been proposed in order to establish an independent public broadcasting authority that would broadcast neutral and unbiased news, views, and information promoting health, education, entertainment content and help in the protection and promotion of citizen's knowledge and empower them on several issues concerning public services, rights, and entitlements.

The bill has envisioned public service broadcasting authority as an autonomous body bearing rights and duties at its own disposal. The bill has also provisioned an Ombudsman Committee to redress the complaints filed against the service of the authority itself.

3. Advertisement Regulation Bill, 2074 (2018)

Advertisement Regulation Bill 2074 has been proposed in order to regulate the display and

advertisement of goods and service in regard to production, distribution and market operation via mass communications or any other mediums. It aims at protecting the public interest issues related to advertisement. The bill has attempted to regulate hoarding board advertisement, advertisement by communications medium, free advertisement etc. District Court has been given the jurisdiction to look after the cases against advertisement act.

4. Bill consolidated to amend Right to Information Act 2007

Government (Office of the Prime minister and Council of Minister and Ministry of Communications and Information Technology) has come up with the draft bill of Right to Information (RTI) Act 2018 which aims at amending the existing RTI Act 2007. The amended bill has incorporated new provisions to align its laws with changed context of federal Nepal. The draft has amended the Sub-section 3, 6, 7 and 9 of Section 2 of the act. As per the amended part in Section 5 Sub-section 4, every public body has to update and publish the information every four month that is 'three months' in the existing law. Also the public information officer has to publish the updated information in website each month. The commission has to give the final verdict on the appeal within 90 days instead of 60 after its submission as per the new draft. If any person does not obey the act or information officer the Commission may impose fine up to Rs 10,000 (around 100 USD) and Commission would recommend the institution to take action against him/her. Also, the chief of public body that denies giving the information should face the compensation of Rs 5,000 (around 50 USD) as per the amended act.

5. Bill consolidated to define Work, Rights and Duties of the Information Commission, 2075 (2018)

A separate bill has been proposed to define the works, rights, and duties of the National Information Commission. The bill focuses on the establishment of information commission as the regulatory body of RTI and has defined the perks and benefits provided to the commissioner along with their rights and duties.

6. Privacy Bill, 2017

Nepal Law Commission has been drafting a separate privacy bill in accordance with Article 28 of the constitution that guarantees right to

privacy as a fundamental right. This is the first time the separate act related to privacy is being drafted as right to privacy was guaranteed in the constitution of 2047BS and interim constitution of 2063BS. The bill is yet to be finalized by the commission. Separate committee has been established in order to finalize the draft bill of privacy. The bill has incorporated the definition of the privacy and aims at criminalizing the act that breaches the privacy of citizen.

7. Cyber Law Bill and ICT Bill, (2018)

Ministry of Communications and Information Technology has come up with a 100-day work plan where it has mentioned that the cyber law bill and ICT bill would be finalized after the discussion with the concerned stakeholders. As per the press release published by the MoCIT in its website, the first round of discussion has already been held with the stakeholders on 17 April 2018 regarding the bill and the components that need to be included in it. Nepal Telecommunications Authority had drafted the Cyber Crime bill before, yet it was not made public.

8. Press Council Amendment Bill, 2074 (2018)

Press Council Nepal has come up with an amendment bill of Press Council Act 2075 BS that aims at amending the existing Press Council Act 2048 BS. Several provisions have been amended as per the "need of the changed context and advancement of technology in media". New emerging field of broadcasting sector including online media has been incorporated in the act along with the other necessary amendments. At a time when media should be encouraged for the practice of self-regulation, the amendment of the act has made the council more regulatory and given government role in terms of the formation of the selection committee of the board member and setting rights and duties of the Council. This brings government domination in board and Council may lose its autonomous status.

9. Criminal Code and Civil Code, 2017

In order to amend and consolidate all the existing Criminal laws and Civil laws in one document, new criminal code and civil code have been introduced that is scheduled to be applicable from Bhadra 1 (August 17 2018). Although the law itself is appreciable, it has been observed that some parts of the Act such as provisions related to freedom of information and expression, right to privacy, right to



communications, press and publication right, among others must be set within the international and constitutional standards. Provisions of the sections restricting FoE being based on national security, privacy, defamation, blasphemy, obscenity, and hate speech in the civil and criminal codes need to be reviewed to enable environment for improved free expression

10. Online Media Directive 2017

Online Media Directive 2017 has been introduced under the Good Governance (Management and Operation) Act-2007 but not under any media act. It is faulty and discouraging to internet-based media. Despite several efforts pressing the government to withdraw the Online Media Directive 2017, no action from Ministry and court side were taken as Supreme Court is delaying to fix a hearing date for the

writ case filed challenging the provisions of the Directive.

Provincial Update

Province 4 Communication Policy 2075 (2018 AD)

Province 4 (Pokhara) has come up with a communications policy that aims at making government open, accountable and transparent by strengthening FoE rights guaranteed by the constitutional standard. The policy has tried to incorporate the provision related to broadcasting service by establishing a provincial broadcasting board. In addition, the provisions related to private FM broadcasting, public broadcasting, information bank, print media, online media, internet service films, advertisement are mentioned in the policy. 🌱

Press Freedom for Democracy



The World Press Freedom Day under the slogan of “Keeping Power in Check: Media, Justice and the Rule of Law” was also observed in Nepal. Freedom Forum along with International Press Institute (IPI) Nepal Chapter, Federation of Nepali Journalists and UNESCO Nepal organized a discussion program where media experts, advocates and government dignitaries including Nepal Police officials were present.

The discussion program served as a platform to present separate annual press freedom monitoring reports of Nepal prepared by FF, FNJ and the South Asia Press Freedom Report prepared by International Federation of Journalists (IFJ). Acting Chief Justice Deepak Raj Joshi graced the program as the Chief Guest.

FF report concluded that hostility continued in Nepali media and safety of the media needed

attention. Similarly, IFJ report presented the overall press freedom situation in the South Asia and FNJ report showcased the overview of media situation in the country. The program highlighted on the role of journalists and media in a democratic society while stressing the need of enabling environment conducive for the media to perform its watchdog role in a professional and independent way.

On the occasion, FF screened the documentary on slain journalists and collected feedbacks from the participants. The program brought together more than 100 participants from diverse sectors.

The UN General Assembly had announced the World Press Freedom Day in December 1993, upon the recommendation of UNESCO's General Conference. Since then, 3 May is marked as World Press Freedom Day globally. 🌱

Policy Comments Handed to Ministers

FF is aware that provincial governments and the federal government are formulating news laws and reforming the old ones to suit the changed political and constitutional context. The laws especially related to freedom of expression and information, and communications are studied keenly. In this regard, FF submitted various resource materials related to media law and policies to newly appointed Minister of State for Communications and Information Technology, Mr. Gokul Prasad Baskota on 9 April, 2018 with the objective of facilitating the Ministry in making apt policy decisions in the field of information, communication and freedom of expression in the changed context.

The document comprises the review of different policies such as National Mass Communication Policy (NMCP) 2016, Online Media Operation Directive (OMOD) 2017, Freedom of expression related provision on the draft bill of Civil & Criminal Code, and Section 47 of Electronic Transaction Act 2008. FF congratulated Minister Baskota and expressed its commitment to work together with the government in the theme of press freedom, right to information, open and accountable government, internet freedom and reiterated that it works to protect and promote freedom of expression in Nepal.

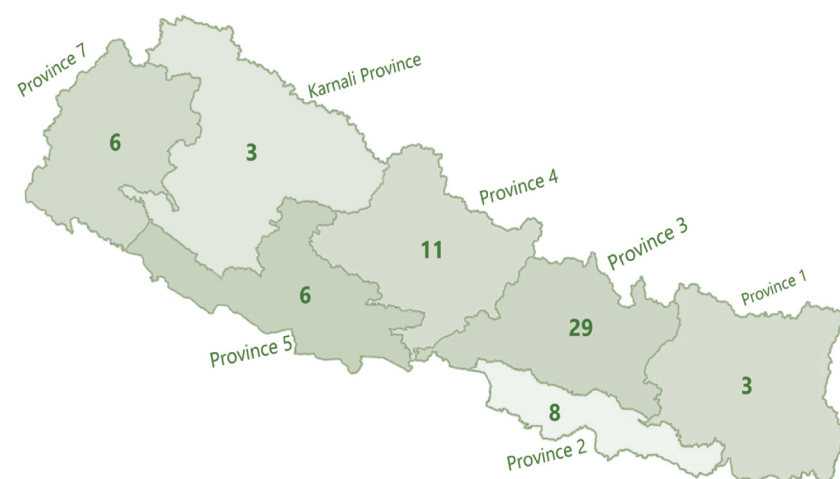
Receiving the reference material, Minister of State Baskota thanked FF for its initiation and assured that he was ready for the collaboration in coming days. Meanwhile, FF also handed over the review it made on Province 4 proposed Mass Communication Policy to Minister of Internal Affairs and Law for Province 4, Hari Bahadur Chuman on June 24, 2018. 🌱



FF's Representative for Province 4 Rajan Upadhyay handing over review document to Minister Hari Bahadur Chuman.

...Continued from page 1

FIGURE II: PROVINCE WISE INCIDENCE OF PRESS FREEDOM VIOLATIONS



- Ministry of Communication and Information Technology (MoCIT) had created unnecessary hassles to more than 40 FM Radio by denying their renewal. In absence of an independent body to regulate the licensing, Ministry itself was involved in the renewal process of broadcasting sector which gave rise to government interference.

POLICY/LAWS

- Criminal Code and Civil Code: In order to make amendment and consolidate all the existing Criminal laws and Civil laws in one document, new criminal code and civil code has been introduced. Although the law itself is appreciable, it has been observed that some parts of the Act such as provisions related to Freedom of Information and Expression, Right to Privacy, Right to communications, press and publication right, among others must be set within the international and constitutional standards. Basically provisions of the sections restricting Freedom of Expression being based on National Security, Privacy, Defamation, Blasphemy, Obscenity and Hate speech need to be reviewed to enable environment for improved free expression.

- National Mass Communication Draft Bill, 2018: The draft bill has been consolidated to regulate the entire communications sector in a single umbrella act revoking three existing acts related to communications sectors namely, Press and Publications Act 2048, National Broadcasting Act 2048 and Working Journalist Act 2051 BS. The bill comprises several points which would make mass communication law impractical, unconstitutional and irrational therefore it is recommended to keep the provisions within constitutional standards and uphold democratic practice.
- Electronic Transaction Act, (ETA) 2008: The ETA brought in 2008 with the objective of making the financial transaction fair, is frequently used as a major legal instrument to harass the media persons and citizens at large which has restricted the practice of Freedom of Expression and Opinion in Electronic and Internet platform. Hence, Section 47 is not comprehensive and complete to address the present need; thus specific law is needed on this issue.
- Various bills relating to press freedoms as Public Service Broadcasting, Mass Communication, Advertisement, Privacy, Press Council, Cyber Crime, and IT are learnt to be drafted as per the changed setup from unitary to federal system with the governments in three layers. But, apparently, there have not been any discussion and debate among wider stakeholders, thereby creating suspicion and confusion on the important aspect of law making process regarding press freedom.
- Despite several efforts to withdraw the Online Media Directive 2017, no action from ministry and court side has been observed as Supreme Court is reluctant

to fix a hearing date for the writ case filed challenging the provisions of the directive.

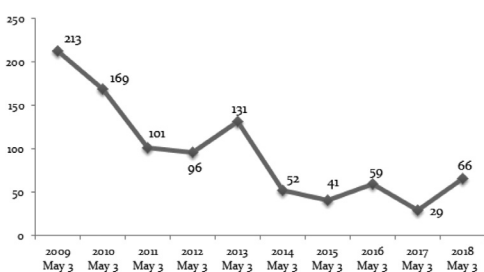
- No prominent action to reform Mass Communication Policy 2072 is taken. Reforming the institution and existing laws being based on the policy is only limited to rhetoric since no concrete step has been taken to that end.

No tangible effort from the government side has been perceived while developing national baseline and targets considering SDG goal 16.10 (1 and 2) for safety of journalists and access to information. Clear national baseline of indicators and targets of goal 16.10 (1 and 2) should be prepared to realize this goal.

NOTICEABLE INCIDENTS

- Reporter to the Nagarik daily, Dilip Poudel, was issued death threat by the Executive Director of State-owned enterprise Nepal Oli Corporation, for writing news on alleged embezzlement of huge amount of public money while purchasing land.
- Reporters for various media were obstructed to cover the news on vote count in Bhojpur district on 29 June 2017. Similar news reports came from different parts of the country.
- Journalists were barred from entering the State-owned Sajha Publications in July 2017 while the Publication was mired in irregularities.
- Some local political cadres vandalized the office of Radio Budinanda 96.5 MHz in July 2017 at night. Due to vandalism, the media house suffered loss of around Rs 300,000.
- Chief of a Rural Municipality in Sindhupalchowk district spoke foul on journalists for writing news relating to bribe. However, he later apologized.
- Reporter to the Nagarik daily, Shibahari Ghimire, and reporter to the *dainikinews.com* online news portal Ramhari Karki received threat from a group of people including Chair of local municipality operating illegal sand excavation in Lalitpur district of the Kathmandu Valley on March 31. Four people in two motorcycles followed them while heading to remote Dukuchhap of Lalitpur where the illegal sand excavation was rampant avoiding administration's attention. They threatened why the journalists took photos of the sand mine area and asked to leave the site immediately. Later, the reporters had to seek help from police to rescue. With police escorting, they however managed to take picture of the illegal sand mine.
- To a sheer lack of awareness about citizen's right to information enshrined in the constitution, a people's representative

FIGURE III: PRESS FREEDOM VIOLATIONS IN A DECADE (2008 - 2018)



Total No. of Violations in 10 Years = 957
No. of Affected Journalist/Media Persons = 3000+

issued death threat to a journalist for seeking information and apologized later, realizing the mistake. The representative in Lekhnath Municipality-21 of Kaski district manhandled and issued death threat to Pokhara-based journalist Himlal Poudel for seeking information about the activities in the Ward Office. After the police made the ward member aware that the RTI is the citizen's rights, he admitted the mistake.

OBSERVATION AND FORECAST

- It is laudable that some people initially issuing threat to journalists have apologized before journalists. Also appreciative is that in some cases, the police have taken right initiative to provide security to reporters and also facilitated to make aware the persons about the journalists' right to free reporting.

- Though few, those attacking and threatening journalists have later apologized before journalists. It can be taken as a positive trend.
- However, at a time when the local democracy is thought to be favorable to media persons, the low level of understanding among newly elected people's representatives is likely to continue tussle. Hence, more interface and dialogue between local representative and media must be promoted.
- As the journalists investigating corruption, crime and irregularities are targeted the most, their safety and security issues therefore must be taken seriously.
- Analyzing decade long press freedom trend post transition, situation of press freedom violation seems improving until 2012. Year 2013 witnessed rise in anti-press incidents due to regional conflict (Madhesh Aandolan). The situation seems constant for next four years however 2017-18 witnessed

sharp rise in incidents because of the ongoing election. This shows that political activities directly reciprocate the press freedom situation in the country.

CONCLUSION

- As newly elected government and parliament in federal, provincial and local level are heavily engaged on policy and law formulation this year, there is the need to focus on policy watch reforms in order to ensure enabling legal environment for FoE, free press and access to information.
- In new context, demand for better governance in all level of government is in rise. So, media need to be more investigative and pro-public. This may create more threat in future. Thus, safety of the journalist must be ensured and media themselves must be aware about the threat. 🌱

OGP for Nepal

Freedom Forum co-organized a roundtable on 18 May discussing Open Government Partnership and its prospects in Nepal. On the occasion, Executive Chief at Freedom Forum, Taranath Dahal highlighted on the history of OGP where he focused that OGP was an initiative focused to make the government open and transparent that would ultimately make the behavioral aspect of democracy more effective.

He presented the fact that OGP was a multilateral initiative where eight founding governments endorsed the Open Government Declaration and announced the countries action plan. He shared that OGP aims at achieving commitments on transparency, technological innovation, accountability along with participation and co-creation.

According to the OGP survey, 17 countries are in the criteria of becoming the member of OGP Nepal being one of them yet government is reluctant to join this initiative from 2011. He urges the government to join this initiative and also urges the civil society to make the environment form their side as well to pressurize the government to join this.

The Government of Nepal had made a working committee for Nepal to become the part of the initiative, yet it is not implemented. If taken seriously, this can be a great platform for Nepal to strengthen its democratic practice and values.

Similarly, Executive Director of NGO Federation, Daya Sagar Shrestha, stressed that the OGP could be an important initiative to link the government and private sector however implementing this is a challenging task. He suggested that the parliament members must also discuss this and believed that this program could become a turning point for further discussion on OGP.

Moreover, Senior Anti-Corruption and Good Governance Advisor and Board of Trustee for USAID, Victoria Ayer, showcased examples of several countries which were benefitted after being the member of the OGP campaign. According to her, OGP aims at making government more transparent by assisting the government to implement the commitment they make and the subsequent assessment.

Founder of National Law College, Ram Krishna Timalsena, suggested that RTI could be used as a tool to incorporate and implement OGP in national and provincial levels. Also he suggested organizing a big conference in Nepal, keeping together the civil society organizations advocating about the OGP concept along with the government level officials.

Joint Secretary at Parliament Secretary, Rupesh Shah, pointed that the openness and transparency were adopted in the constitution making process in Nepal as it was made by the public participation. He added, "We had called people

to send comments to the constitution before it was formally promulgated. Being the partner in the OGP it would make us realize the value of the public participation and transparency."

Addressing the queries, Victoria argued that the OGP implementation and assessment need to be carried by the government and civil society.

Also on May 23 2018, US Embassy in Kathmandu organized Open Government Partnership event for the advocacy for implementation of open government practices in Nepal.

FF chief executive Taranath Dahal headed an advisory panel which focused on the challenges of pushing OGP into provincial and local levels under Nepal's new federal system, He said, "Lower level governments do not have a system and have limited infrastructure. They face shortage of data even to make their plans. So, there is a challenge of penetrating the open government system into lower levels."

The OGP launched on September 20, 2011, aims firm commitments from national governments to promote transparency, empower citizens, fight corruption and harness new technologies to strengthen governance. In order to become a member of the initiative, a country needs to demonstrate minimum level of commitments in four criteria-fiscal transparency, access to information, public officials' asset disclosure and citizen engagement. 🌱

I'm Clear about Information Disclosure: PIO

Information Officer from Gulariya Municipality of Bardiya district, Kapil Ghimire, shared that before the PIO's training he was in confusion which information could be disseminated to public and which not. But after the training, he was clear about the process of disseminating information to public. Adding to Ghimire's statement, another Information Officer from neighboring district Banke, Gaurilal Buddhathoki expressed that he gained confidence after the training with clear knowledge about proactive disclosure. He even said that it was an eye-opening experience and assured to encourage other local bodies and government agencies to practice RTI for accountability and transparency.

During the training Freedom Forum organized for public information officers in Dang from 21 to 23 April, the information officers shared their confusions about the RTI provisions. A



total of 21 PIOs (no female participant because there were nor any female public information officers at local levels.) were trained on the importance of the RTI Act, and policies and provisions for maintaining transparency and accountability in the public agencies.

In the training, Jharendra Kharel, an information officer from Tulsipur Sub-metropolitan of Dang district committed to disclosing office

information every three month through the means of official bulletins, websites and so on. More than 60% participants were from local levels and the remaining represented the District Administrative Office and the District Election Commission Office from Dang, Rolpa, Banke Bardiya and Rukum (East) districts. Freedom Forum's Chief Executive Taranath Dahal, General Secretary Dharmendra Jha and Federation of Nepali Journalist's (FNJ) Vice President Bipul Pokharel facilitated the training.

Meanwhile, during the training FF organized for public information officers in Bhaktapur from May 24 to 26, Information Officer from Siddhalek Rural Municipality, Ms Laxmi Poudel shared that she was given the responsibility of information officer just 15 days before the training, so she was grateful to FF for this opportunity. She even asked the organizers to conduct such training in various districts. 🌱

ToT on Leadership and Participation

A four-day Training of Trainers (ToT) on Leadership and Participation in Democratic Citizenry Processes concluded on 28 June in Nawalparasi. Freedom Forum organized the training as part of 'Sustainable Use of Technology for Public Service Accountability in Nepal (SUSASAN) Project being implemented in six districts of Nepal, namely Achham, Bajhang, Dadeldhura, Kailali, Lalitpur and Sindhupalchowk.

The ultimate goal of the training was to promote civic participation and leadership in governance and accountability process through empowerment of Women and Marginalized Groups (WMGs) and their networks at local government level. It aims to increase understanding and skills of representatives of district civil society organizations (DCSOs) of SUSASAN on approaches and practices of enhancing leadership and participation in democratic processes at local level.

The training gave special emphasis on spaces of leadership and participation for WMGs

and existing women's network in the formal and informal local government structures. The participants excelled their capacity on various themes of leadership and participation in democratic citizenry process. The participants also acquired skills and techniques to be able to facilitate trainings to representatives of existing women's network at local level.

Another crucial part of the training was to integrate technology in the local level interventions related to leadership and participation. "The training was also focused on empowering participants to plan and deliver similar trainings to the targeted community at the respective local government structures through existing online and offline mechanism," said Krishna Sapkota, Governance Advisor to SUSASAN from Freedom Forum.

The training covered ranges of issues including but not limited to fundamental elements of civic education, citizen-centered governance and benefits of engagement for local government and citizens, political process, leadership



opportunity, Right to Information as Social Accountability tool.

Toby Mendel, Executive Director at Center for Law and Democracy, Canada, Basudev Neupane, development professional, Binod Upadhyaya, Governance Adviser to CECI SUSASAN and Saroj Bista from Young Innovations, among others were involved as trainer in the event. A total of 18 participants representing six district-based civil society organizations (CSOs), also the partners of the project, had participated in the training. 🌱

Public Interest Reporting on Reconstruction

One of the mentors of public interest reporting training, Hasta Gurung, also the former president of Center for Investigative Journalists, stressed that journalists should have a clear vision to write a good news story. It helps them to express stories in a better way. Without this, news story is worthless, he argued. Another mentor of the training, Dharmendra Jha, added that one should be critical on the issue in order to make the issues more impactful; journalists should now use RTI Act as much as possible. During the review meeting, FF organized an orientation entitled, 'Review on Public Interest Reporting by Journalist' on 29 June, a total of 20 participants attended the program where 7 were females. They were orientated to encourage the reporters for strengthening investigative reporting.

In the review meeting, participants from different earthquake-affected areas were present. One of the fellowship participants named Rama Luintel from Bhaktapur expressed that while they were preparing news story, they were conscious about deadline. The review with journalists was conducted to make the journalists whet their skills to dig more issues. It was an opportunity to share the efforts reporters made for news and the facilitation they needed to better their works.

FF has allocated fellowship to 14 journalists. Each of them needs to publish four news stories within 2 to 3 months being focused on the post-earthquake issues. Out of 52 news stories, 14 stories have been published so far. The program was organized under the project "Civil



Society Mutual Accountability Project (CS: MAP)", supported by USAID and implemented by FHI360. The fellows are selected from different earthquake-affected areas as Kathmandu, Lalitpur, Bhaktapur, Dolakha, Sindhupalchowk, Nuwakot, Okhaldhunga, Sindhuli and Gorkha. 🌱

21.2 % Female Opinion Writers in Print Media

FF has continued the monitoring of nine national dailies for over two years and six online media portals for six months, the finding of the monitoring- presence of women in byline, news source, opinion and how the issues on women are presented- covering the recent three months- April to June 2018- are presented below:

PRINT MEDIA

- Monitoring of 860 main news from nine national dailies from April-June 2018 revealed 475 (55%) bylines; among which, 91.2% are of male and 8.8% of female.
- Among 203 opinion articles from the same dailies, 21.2% are written by female and 78.8% are by male.
- Among 1,479 news sources quoted in the 860 news contents, 90.7% are men and 9.3% are women.
- News on politics and government affairs dominate the main news contents with 38.2 % followed by social and legal news (20.8%) from total 1063 news.
- Highest number of male (240) and female (31) bylines is found in the news on politics and social issues respectively.
- Highest number of both male (1342) and female (137) sources is recorded from the

news on politics and government during this monitoring period.

ONLINE MEDIA

- In total 360 news of six online news portals monitored from April to June 2018, 148 bylines (41%) are recorded. Among those, 81.8% are of male and 18.2% of females.
- Similarly, among 553 sources quoted in the above recorded news 470 are person, while 89.6 are men and 10.4 women.
- Data shows one among every 3 news stories is about Nepal's government and politics, while economic news covers second highest (19.7%) space in the main news.
- Highest number of male (34) and female (11) bylines is found under political and economic news respectively.
- Meanwhile, highest number of male (160) and female (14) sources is found under political and social news respectively.

Every three month, FF produces the monitoring of the gender content report. A complete report to the finding can be found at <http://freedomforum.org.np/content/publications/reports/media-monitoring-reports/> 🌱

FF's Participation

Freedom Forum's staff member under Enabling Conducive Atmosphere for Free Safe and Inclusive Media in Nepal (ECAFSIM) project participated in 3 days Outcome harvest workshop program organized by Free Press Unlimited (FPU) under No News is Bad News project. The program was organized on Kathmandu from 7 to 9 May 2018. FF's CEO Taranath Dahal along with the ECAFSIM project members namely Media monitoring coordinator Nanu Maiya Khadka, Legal Officer Ashmita Pokharel and Monitoring and Evaluation Officer Pramod Bhattarai participated in the program. During the program, FPU made aware about the significance of outcome in the project and shared the knowledge regarding the identification of the outcome and ways to channelize it.

The workshop focused on the introduction of the Outcome Harvesting (OH) method and its purpose, learning how to use OH to write outcomes for reporting that have happened during the No News Is Bad News programme (since January 2016 until now) followed by interpretation and discussion in the outcomes. Project Officer, Annelies Langelaar; Communications Officer, Anne Broeksma and Knowledge and Quality Officer Tim Schoot Uiterkamp from FPU Netherlands facilitated the overall workshop program. 🌱

2% Female Bylines in 978 Stories of Provincial Dailies

With the federal system in place in Nepal, huge attention is paid to the activities in the provincial and local governments and the people there. Federalism is therefore hailed as a system to bring to fore the issues and concerns of the people living outside the capital city, from where the country ruled for long as the unitary system. As media is the mirror of society, the contents brought by them is essentially a topic to study to know more about local contexts. Although media does not fully cover the issues, the reflection of scenario is obviously found there.

With this reality on the one hand and the background of the monitoring of national newspapers for two years on the other, Freedom Forum has expanded the monitoring of media contents to find the representation of women in major provincial newspapers. It is a representative study.

The monitoring is supported by the Free Press Unlimited (FPU), a Netherlands –based organization working on press freedom in various continents. This report includes data generated after monitoring 21 newspapers, each of three from seven provinces from January to March 2018. Four main news stories were selected from all the newspapers and scanned for their

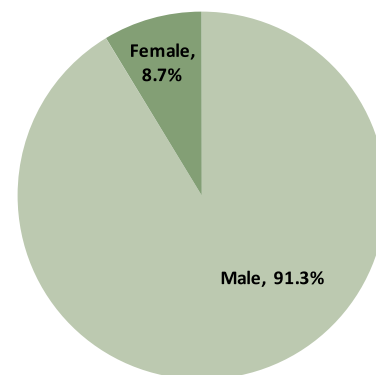
Key findings

- Among a total of 978 news stories monitored, only 22 were by female and 231 by male.
- Province 7's Hill Times daily contained maximum number of female bylines compared to others.
- Only 183 among 1,794 sources quoted in the news contents monitored are female. Dailies monitored from Province 3 showed the highest number of both male (287) and female sources (40).
- Media outlets from the seven provinces too, are dominated by the political news similar to those of national dailies.
- Notably, maximum number of female byline and source is found in the news related to social and legal issues.

bylines, news sources and stories about women. Data generated with the monitoring are entered into MS-Excel and further analyzed to observe presence of male and female in media contents.

However, the study is limited to only main news contents ignoring international news, advertisements, op-eds and other dedicated news pages.

FIGURE 2: PROPORTION OF BYLINES



NAME OF THE MEDIA OUTLETS MONITORED

Province 1- Blast Times, Udghosh and Purwanchal daily

Province 2- Krishna, Prateek and Janakpur Today

Province 3- Kayakairan, HetaudaSandesh and Parsdarshi

Province 4- Samadhan, AdarshaSamaaj and lokvaani

Province 5- Dainik Nepalgunj, Butwal Today and Nayayugbodh

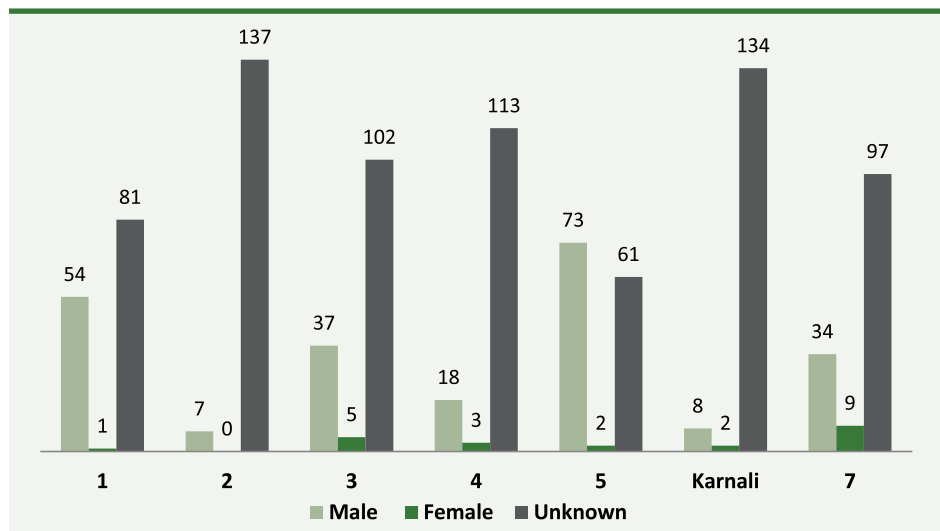
Province 6- Malika Post, Hamro Akhabar and Paribartan daily

Province 7- Sundaranchal, Hill Times and Paschim Today

NEWS BYLINES

From 21 dailies, a total of 978 news stores were scanned during three months. Among 978 news contents monitored, only 2.25% and 23.62% were written by female and male respectively and remaining 74.13% had no byline (Figure 1). Those news with no bylines mentioned Today reporter, Sandesh reporter, Paschim Today, Sundaranchal reporter, Butwal today reporter etc.

FIGURE 1: NUMBER OF BYLINES RECORDED FROM 7 PROVINCES



Amongst all, news contents from Province 7 showed the highest number of female bylines (9) while, those of Province 5 showed the highest number of male bylines (73). Observing individually, Hill Times daily from Province 7 showed maximum 8 female bylines followed by 3 female bylines from Kayakairan daily of Province 3.

Among 253 bylines recorded, 8.7% are of female and are of male 91.3% (Figure 2).

Similarly, maximum male bylines (33) were recorded in Butwal Today published from Province 5 and Krishna daily published from Province 2 showed the least bylines of all.

NEWS SOURCES

While scanning for sources quoted in the selected 978 news, FF recorded 10.2% women and 83.29% men as news sources. Dailies monitored from Province 3 showed the highest number of both women (40) and men (287) as news sources (Figure 3).

The highest number of male (120) and female(23) sources was recorded from Kayakairan Daily among 21 newspapers.

TOPIC WISE NEWS DISTRIBUTION

As was of national dailies, political news dominated the provincial newspapers. Data show the highest 28.43% news was about politics and government issues followed by Social-Legal issues (22.6%) and Economic issues (18.40%).

Comparatively, Province 2 revealed maximum number of news on politics and governmental issues followed by that of Karnali Province. Besides political news, provincial media showed considerable share of economic news after social and legal news on the first page (Figure 4).

Maximum male bylines (33) were recorded in Butwal Today published from Province 5 and Krishna daily published from Province 2 showed the least bylines of all.

FIGURE 3: NEWS SOURCES QUOTED IN THE NEWS

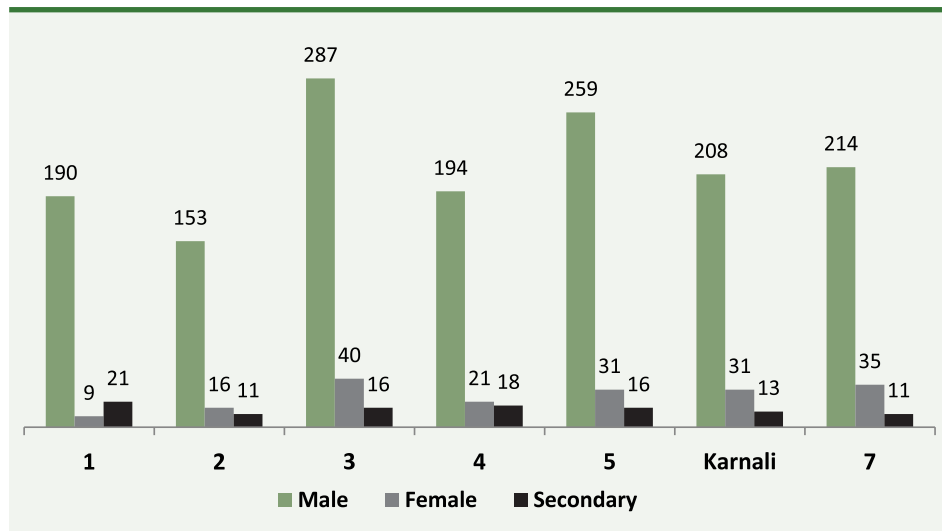


FIGURE 4: TOPIC-WISE DISTRIBUTION OF THE NEWS

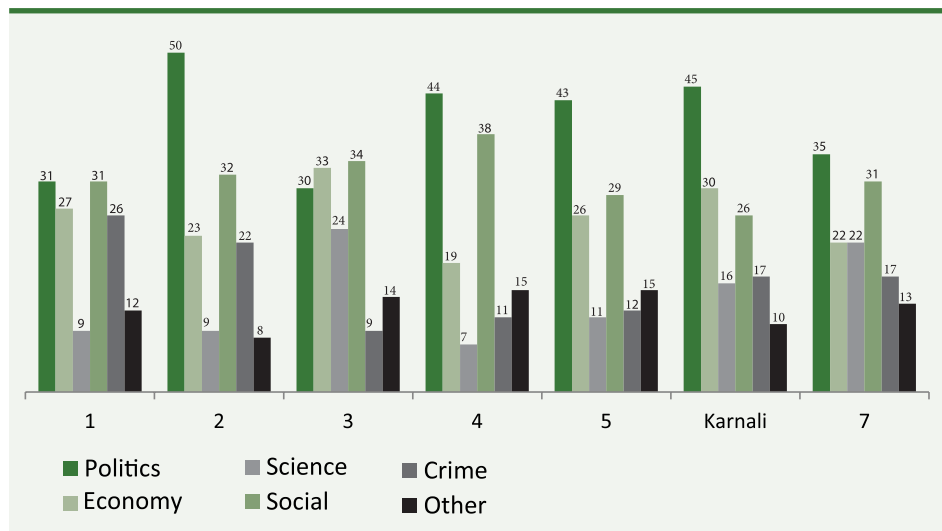
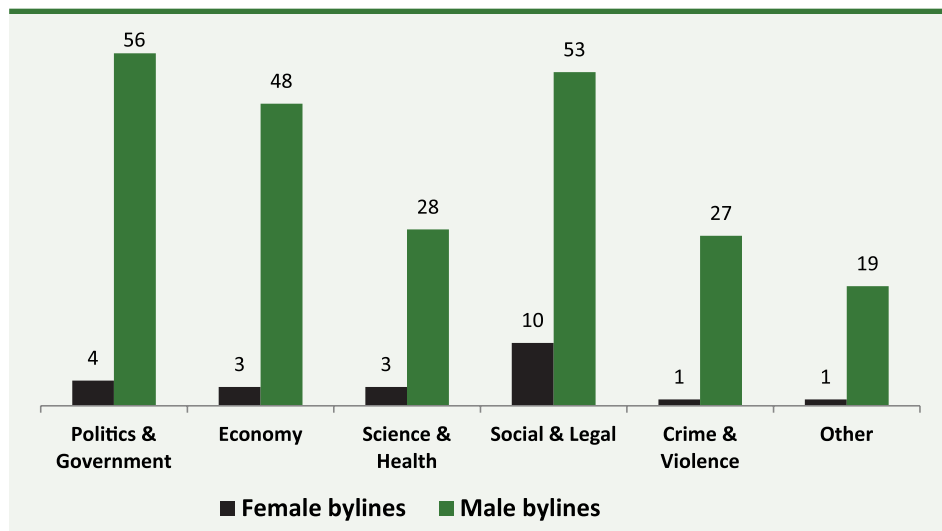


FIGURE 5: NEWS BYLINES AND HEADLINES



TOPIC WISE SEGREGATION OF FEMALE BYLINES AND SOURCES

While the data revealed least presence of women in bylines and as news source in the media, their relation with news headlines was also derived as shown in the figures 5 and 6.

According to figure 5, highest number female bylines were found under social and legal section, whereas highest number of male bylines was found under politics and government section.

Similarly, in case of sources quoted in news (figure 6) the highest number of male source is found under politics and government and that of female source is found under social and legal section.

SOME STORIES WARRANTING ANALYSIS

1. Rampari in trouble after her family members fall sick (Krishna, January 18, Rajbiraj): The story published on the first page of the daily describes the pathetic condition of a family where four members become mentally sick. Rampari is facing difficulties in raising the family after her four children and husband were diagnosed Schizophrenia. She is also unable to buy medicines with her low earning. Even though, the story shows poor status of Rampari, her role as a breadwinner challenges the stereotype.
2. Up to 80-year old involved in rape (Kay-akairan, February 9, Hetauda): The news story collects voices from various women rights activists about increasing incidents of rape in the city. The story describes
3. Asha's life and Civil War (Aasarsha Samaaj, February 15, Pokhara): The story published on the first page of the daily is a biography of Asha Koirala, Member of Parliament from Province 4. She was also actively involved in the people's war as a combatant in Nepal. The story challenges stereotype describing about her role.
4. Sanitary pads distributed to female jailbirds (Hamro Akhabar, January 9, Surkhet): The story is about the distribution sanitary pad and awareness program on menstrual hygiene provided to women in jail. According to the news, the program is helpful for those women who live in the unhygienic environment of jail. The sources quoted in the news not only showed concern upon women, their health but also committed to helping them. Hence, the story challenges stereotypes about women for raising their issues in public and providing support.
5. A female foetus terminated (Hill times, January 9, Achham): The story describes dreadful fact of the place where expecting mothers are forced to terminate their pregnancy if the foetus is identified female. Sources in the story also say they need a son instead of daughter as sons will be their descendants. Also, women use harmful contraceptive to abort the female foetus. Hence, the news contents clearly highlight gender inequality and warrant further analysis.

physical and mental problems faced by the victim, which is irreparable. In most of the cases, criminals are left unpunished due to lack of evidence. Hence, the story highlights inequality where women are victimized and are seeking for justice.

Only 2% of the bylines are of female against 23.62% of males from total 978 news scanned. Moreover, only one in approximately nine bylines are of female, and one in around 11 person sources quoted in the news are female.

CONCLUSION

The three month long monitoring of 21 dailies representing the seven provinces of Nepal revealed under-representation of females in the main news contents. While the study included main news contents only, variable studied were bylines, sources and their relation with the news headlines.

The monitoring showed that only 2% of the bylines are of female against 23.62% of males from total 978 news scanned. Moreover, only one in approximately nine bylines are of female, and one in around 11 person sources quoted in the news are female.

Media from Province 2 failed to show any female bylines.

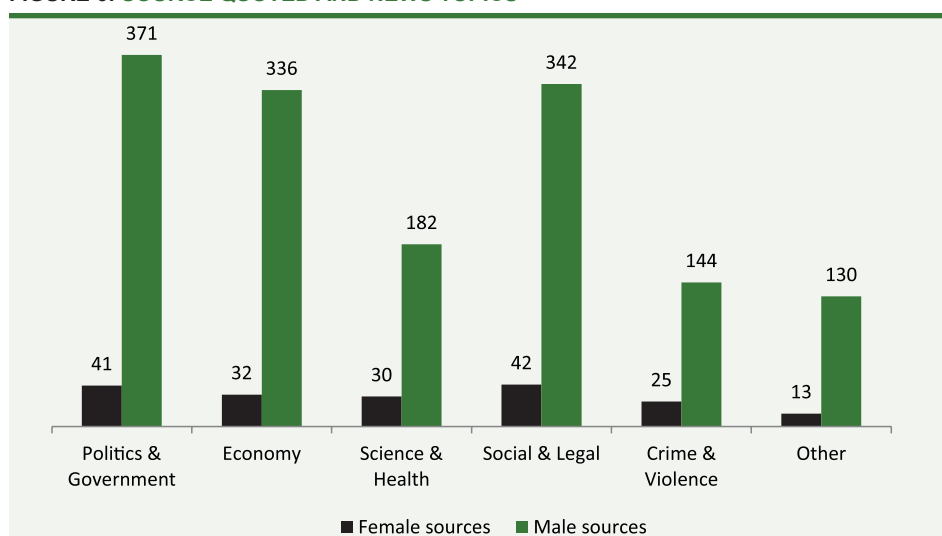
Similarly, news contents monitored in the study revealed 10% women quoted as news sources against 84% male sources from all the provincial dailies.

The number of female in byline and as news sources is maximum in the news contents related to social and legal issues.

RECOMMENDATION

- Media houses should formulate and implement inclusive gender policies,
- Editors and Chief Reporters should promote gender friendly editorial initiatives
- The reporters should be directed to quote possible female sources thus, making gender friendly news contents
- Female reporters themselves should be proactive and confident to report on the mainstream beats like parliament court, foreign, political affairs, etc.

FIGURE 6: SOURCE QUOTED AND NEWS TOPICS



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: Gender Monitoring Officer, responsible for monitoring media content on gender perspectives		
	Manju Ojha: Front Desk Assistant		
	Kamal Poudel: Driver		
Projects	Ganga Kumari Gurung: Office Assistant		
	Krishna Sapkota- SUSASAN		
	Narayan Ghimire- ECAFSIM		
	Siromani Dhungana- SUSASAN		
	Sanjeeb Ghimire- EEMIR		
Ongoing Project Information	Bhawana Poddar- EEMIR		
	Bobbish Dhakal- EEMIR		
	Kumar Chaulagain- EEMIR		
	Ashmita Pokharel- ECAFSIM		
	Pramod Bhattarai- ECAFSIM		
Services Offered/ Activities Carried Out	Shanti Chaulagain- ECAFSIM		
	Project Name	Supporting Agency	Date of Signing the Contract
	Open Budget Survey 2017	IBP	7 June 2015
	Enable Environment for Media Law Reforms and Improved RTI Practice (EEMIR) (CS-MAP)	FHI 360	30 Dec 2016
	Enabling Conducive Atmosphere for Free, Safe and Inclusive Media (ECAFSIM) in Nepal	Free Press Unlimited (FPU)	29th March 2018
Responsible Authority	Sustainable use of Technology for Public Sector Accountability in Nepal (SUSASAN)	CECI	17th April 2017
	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.		
	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 and 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. 11032607.47 (April to June 2018)		
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/		
Mechanism for Information Dissemination	Websites- http://www.freedomforum.org.np/ ; www.nepalpressfreedom.org , and Newsletter-Free Expression		

AI and Right to Freedom of Expression

Privacy and Freedom of Expression in the Age of Artificial Intelligence

AI will significantly impact the right to freedom of expression.¹⁵ It is applied in a vast number of situations that influence how individuals access and find information online. Increasingly, online intermediaries, such as social media platforms and search engines, use AI systems to control information that users engage with in opaque and inscrutable ways.¹⁶ While some uses, for instance spam filters or suggested items for online shopping, may seem harmless, others can have more serious repercussions.

AI-powered surveillance presents one such serious repercussion. The pervasive and invisible nature of AI systems, coupled with their ability to identify and track behaviour, can have a significant chilling effect on the freedom of expression. This can take place through self-censorship, altered behaviour in public spaces and private communications alike. The rise of techniques such as video surveillance, facial recognition, behaviour analysis etc., by public authorities and private companies hinder freedom of expression and also infringe the very essence of the right to privacy. Mass surveillance in particular is a disproportionate interference with privacy and the freedom of expression, while targeted surveillance may only be justified when it is prescribed by law, necessary to achieve a legitimate aim, and proportionate to the aim pursued.

Moreover, the data generated and used by online intermediaries in AI systems is another concern. To leverage the affordances of AI, large amounts of data are generated and collected. This is worrying because datasets are often built through problematic methods of collection, leading them to hold biases that reflect existing patterns of societal stereotyping.¹⁹ Even

when this is not the case, data samples can be unrepresentative of the population at large. In either situation, data can lead AI applications to negatively impact freedom of expression.

For example, if AI content moderation systems are not trained on slang or nonstandard use of certain expression often used by minority groups it can potentially lead these systems to censor legitimate speech. Beyond surveillance, it is difficult to provide a comprehensive overview of the ways in which AI impacts the right to freedom of expression: its effects are sector- and context-specific. AI raises different issues depending on its application, i.e. to online content moderation on social media platforms or to smart homes. At this stage, ARTICLE 19 considers the importance of AI through the lens of our five key global areas of work and highlights the following issues:

Digital: Technology shapes how people exercise their right to freedom of expression, how they access information and how they interact online. AI impacts how individuals can access information and express themselves on the Internet, including through search engines and social media. It also impacts the fundamental technical functioning of the Internet itself with the increased use of AI in Internet networking. Technical standard setting bodies like the Institute for Electrical and Electronics Engineers (IEEE) are also currently in the process of developing standards for ethical and safe AI systems.

Civic Space: Civic space is the physical and legal place where individuals realise their rights. This space is increasingly impacted by various AI applications, from newsfeed algorithms to connected devices in smart cities. Building on these applications, AI systems will soon shape decision-making systems and spaces

where people and communities organise, associate and assemble, from homes to cities.

Media: Media pluralism and media freedom are essential for protecting and promoting freedom of expression and the public interest in an increasingly globalised, digitised, and converging media landscape. There is a danger that a limited number of digital corporations will become the central conduit for media content online. This is particularly the case if companies use opaque AI systems that rank information, whether on news sites or by filtering email, according to indicators that often remain unknown to the users.

Transparency: Transparency and access to information - from both public and private bodies - are crucial in ensuring democratic governance. Increasingly, decisions on access to information, traditionally made by humans, are now driven by AI applications. These systems have the ability to selectively exclude or emphasise critical information, and can enable governments to deploy AI systems without transparency.

Protection: Those on the frontline of defending freedom of expression and information must be supported by a strong enabling legal framework for freedom of expression, effective mechanisms for protection of the right to freedom of expression, due process of law and active networks of institutions and activists. Various applications of AI are problematic, in particular for surveillance and censorship, or targeting those who exercise their freedom of expression in a manner that is controversial in the view of governments and other powerful institutions and corporations. 🌱

Sources: <https://www.article19.org/wp-content/uploads/2018/04/Privacy-and-Freedom-of-Expression-In-the-Age-of-Artificial-Intelligence-1.pdf>

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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