



# Free Expression

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A NEWSLETTER OF FREEDOM FORUM

## Nepali Press under State Surveillance

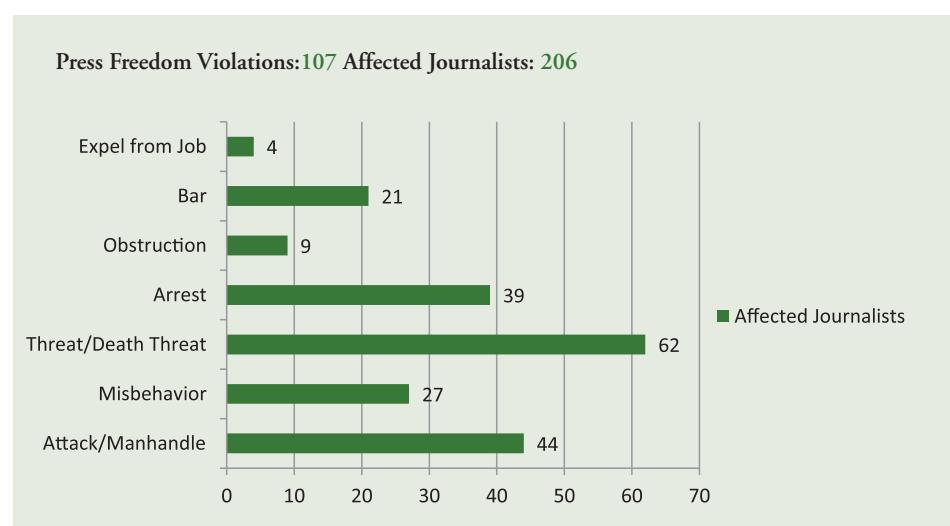
### Digital skills in journalists imperative to avoid digital threats

**I**ncreased press freedom violations coupled with political intolerance; selective, organized and technological surveillance on media and journalists; coordinated verbal and social media attack against journalists and critics; attempts to flow guided information and censorship; apathy to address impunity relating to crimes against journalists; poor media safety to face crisis featured significantly in the recent past year (May 1, 2019 to April 30, 2020). Despite sheer political hostility and intolerance, active role of journalists and media houses to save free press by holding public authorities and officials to account for their misconduct and irregularities is worth noting this year.

With the unprecedented health crisis following the outbreak of COVID-19, Nepali media too has been suffering much for some months. It has resulted in journalists' loss of jobs, closure of many small media and curtailment of news from the big media. Citizen's right to information, free speech, free press and entire media industry have been badly dented with this.

### FACTS AND FIGURES

- Number of press freedom violations slightly increased this year with 107 as comparison to 104 last year. The sporadic violations directly affected a total of 206 journalists across the country this year.
- Out of total affected with the violations this year, 62 are from threats followed by 44 from attack and manhandle combined, 39 from arrests, 27 from misbehavior; 21 from barred from reporting, 9 from vandalism and obstruction combined, and 4 from expulsion from job.
- Categorizing the affected ones as per media type, among the affected, 69 were from online media, 48 from print, 42 from Television, and 30 from radio, 14 freelance and 3 others.



- As per the Province, Province 3, which is also the federal capital Kathmandu witnessed the highest number of violations (43), followed by Province 2 (20). Similarly, Province 1 and Gandaki Province shared equal number of violations (10). Province 5 and Far West Province witnessed equal number of violations (6) and Karnali Province recorded 12 violations.
- Most of the violations took place while journalists were covering stories regarding public interest/concern issues, crime, irregularities, corruption and political demonstrations.

### SOME MAJOR INCIDENTS

On third week of March, Press Council Nepal, a media regulatory body, shut down nearly 50 websites and wrote to the National Telecommunication Authority to restrict access to those online portals from the country alleging them of spreading 'false information on Covid-19.'

On April 1, the Shiran Technologies Pvt. Ltd, having its link to the IT expert to Prime Minister, secretly removed the content- 'a story about

the corruption on purchase of medical equipment involving the sons of Prime Minister's Chief Advisor and of Deputy Prime Minister' from the backend of news portal- [www.kathmandupress.com](http://www.kathmandupress.com) Editor-in-Chief of the news portal, [www.kathmandupress.com](http://www.kathmandupress.com) Mr Kosmos Biswokarma wrote in Twitter, "The news story was removed illegally from the website on Wednesday (1 April) and the media was investigating into the illegal hacking of the portal." Moreover, the news portal was suspended for one and half hour. He has further shared the information the staffs from the software company repeatedly urged the editors to remove the news.

The State-owned Radio Nepal removed an interview it had with the former Prime Minister Dr Baburam Bhattarai on April 27. The Radio Nepal also directed its staffs to be cautious while choosing guest in the program to be broadcast from the Radio Nepal. In the talk program, former Prime Minister Dr Bhattarai had criticized prime minister's recent activities.

Three journalists working at Province Broadcasting Center Dipayal of Radio Nepal namely,

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## Message from Executive Chief

# Together for Rights



The COVID-19 pandemic has caused crises in public health, economy and social relations across the globe. Most of the countries and their apparatus faced tough time to cope up this tragedy. Nepal too failed to respond properly to it. The government is unable to ease public life and protect national economy from dwindling. It has further aggravated people's fear on the one hand and aggression towards government on the other. Best example of resentment to government activities to handle COVID-19 was the peaceful protests staged by the youths in the Kathmandu Valley and major cities out of the federal capital. Even the fast-unto-death has been launched by the aware youth demanding proper management of COVID-19, thereby ensuring safety to public life and maintaining transparency in the activities.

Amid such public despair and dissent, Nepali press, which brings forth citizen's voice, could not escape but undergo the hard time. The civil platforms have been badly shrunk. The present multiple crises caused by COVID-19 has pushed Nepali media in the edge to lose its achievement made since 1990. The local and small media which were raising voices from rural community showing success and hardships there turned ineffective. The unexpected economic crisis befell in a way it spoilt the professional media run by private sector. The media landscape developed over three decades suffered worst. Deep decline in media revenue led to retrenchment at media houses, leaving thousands of journalists unpaid, underpaid and ultimately jobless. It resulted in professional and financial crisis to working journalists at the same time, while coronavirus is still notoriously robust.

The professional status of Nepali media begun since 1990's restoration of democracy had already been dented much with the nationwide armed insurgency launched by communist party. Callous treatment to media persons went unabated. More than 23 journalists were killed and some made disappear during the insurgency. The justice to the families of those victimized in the insurgency is still awaited. The media then saw horrible suppression during the royal takeover- journalists were arrested, harassed, media houses obstructed, and vigilance on daily reporting mounted. It deepened fear and fueled threats to media. The suffering did not end on it. The Gurkha Earthquake of 2015 was another severe blow to Nepali media where they lost huge physical infrastructures. Now the media is in another huge threat caused by global crisis of coronavirus. With the diminishing presence of professional private media, the influence and control of government in media and communication sector grew alarmingly. The pillar of democracy has shaken with imbalanced media and communications. The voices of socially excluded are unreported, underreported and unheard. Culturally progressive thoughts too have witnessed severe shrinkage. It has given impetus to the State towards authoritarian nationalism. As the people are gradually distanced from State and oversight on government activities has weakened, Nepal is undergoing a miserable state at present.

Civil society presence and visibility have been unimaginably limited owing to the extended lockdown. Amid growing threat of coronavirus on the one hand and rigorous and unsafe lockdown imposed as ultimate measure to contain the virus spread, Freedom Forum has been striving to become active being sensitive and safe at workplace. We are committed to continuous monitoring of freedom of expression and press, raising voices against anything suppressive to FoE and information and journalists' rights, providing assistance to the victim journalists and FoE practitioners and inspire the journalists who have faced financial crisis to continue profession to help ensure citizens of their right to information. In the wake of the coronavirus, we are actively conducting our activities via digital platform to sustain our campaign to promote and protect citizen's right to free speech and information. We further encourage media fraternity and FoE practitioners to stay safe and alert and continue professions. 

- Tara Nath Dahal

## OHCHR, NHRC's concern over clamp down on FoE in Nepal, urge govt to respect FoE, press

In the wake of increased spate of intimidation on citizen and journalists for exercising freedom of expression and press, the UN rights body- Office of the High Commissioner for Human Rights (OHCHR) and national rights watch institution- National Human Rights Commission (NHRC)- showed concern over deteriorating FoE situation in Nepal.

The OHCHR has shown concern over the arrest of people including former bureaucrat for his critical view on government activities and the NHRC stated that incidents of press freedom violations were increased in the wake of COVID-19 pandemic in Nepal. Referring to the advocacy and watch by the press freedom groups in Nepal, the UN OHCHR showed alarm over clampdown on freedom of expression.

On June 3 press release, UN High Commissioner for Human Rights Michelle Bachelet said, "In Nepal, authorities have used a stringent cyber-crime law to arrest a retired bureaucrat who was critical of the Government including its Covid-19 response. According to press freedom groups, there have been several cases of journalists detained while covering COVID-related news, incidents of journalists facing obstruction from authorities, and reports of threats and physical attacks against journalists."

The statement issued concerning the Asia-Pacific region made aware the government that any actions taken to stop the spread of false information must be proportionate. "Many countries in the region already have laws governing alleged "fake news" and online media that raise human rights concerns and have been used in other contexts to deter legitimate speech, especially public debate, criticism of government policy and suppress freedom of expression.

It added measures should adhere to the principles of legality, necessity, proportionality, serve a legitimate public health objective and should be the "least intrusive" approach required to achieve that result. Moreover, the NHRC on June 6 issued a long press release stating, "22 media personnel during the state-enforced lockdown who were deployed for collecting news have been arrested, others were attacked, issued threats and insults to journalists." It criticized the trend of denial of information to journalists by the public offices and proper remuneration to working journalists, which has forced journalists to quit the profession.

FF Executive Chief Taranath Dahal said the concern shown by both UN OHCHR and NHRC over the current situation of press freedom and freedom of expression and information was apt and timely. It would help government remind of its responsibility to protect citizens fundamental rights -FoE and information- in the wake of COVID-19 pandemic. FF has been relentlessly monitoring the FoE and information situation in Nepal despite COVID-19 menace.

As said by the national and UN rights institution, FF reports in the recent years have recorded deteriorating atmosphere of FoE and information. 

# Press Freedom Violations

## PROVINCE 1

### Death Threat

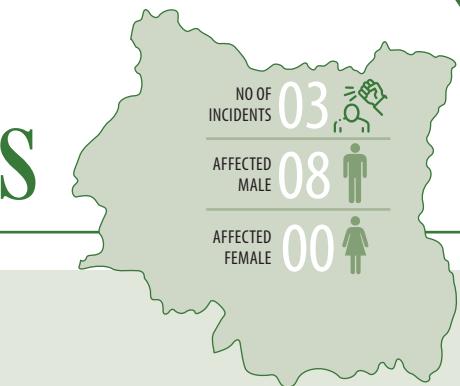
Publisher/ editor of a news portal, [www.prahavnews.com](http://www.prahavnews.com), Uttam Chaulagain was issued death threat for publishing news about a political leader on April 5. The online portal is run from Khotang, a district in Province 1 of Nepal.

According to FF's representative Bikram Niraula, Chaulagain had published news about NC Chair Naresh Kumar Shrestha's obstruction to keep Covid-19 suspects in quarantine far away from community. Following this, Chair Shrestha had threatened, "You will see the journalist in the next meeting. You may also lose his life for writing such news." In response to Covid-19 pandemic, Nepal's government has asked the suspected patients to stay in quaran-

tine to minimize the risk of transmission. At a time when free flow of information is important to keep public informed such incidents obstruct journalists from performing their duty. Freedom Forum condemns the violation of press freedom and right to information.

### Obstruction

Security officials deployed at District Administration Office obstructed journalists from reporting about health materials received from social service organization in Dhankuta on April 8. Dhankuta lies in Province 1. Total six journalists were barred from reporting. They were in the administration office premises for reporting about health materials provided to district health institutions.



The journalists Khagendra Prasad Ghimire, Kabi Raj Ghimire, Nagaendra Rai, Hari Bahadur Lamjel, Purna Kumar Chaudhari, Eshwor Thapa were associated with The Himalayan Times, Himalyan Television, The Dhankuta Herald Dainik, Annapurna Post, Radio Vedetaar and Radio Thaha Sanchar respectively. As per FF's representative for Province 1, Bikram Niraula, journalists were not allowed to take photos and the journalists who captured photos were also asked to delete. Meanwhile, journalist Khagendra Ghimire shared, "We were insulted and even some of our colleagues were forcibly taken out of the office." Later, administration claiming not knowing about security officials obstruction apologized for showing cold behavior. Following that, dispute between journalists and administration was sorted out.

## PROVINCE 2

### Obstruction

Reporter to Annapurna Post national daily Raj Karan Mahato and the camera person Bibek Mahato were threatened while reporting on illegal mining in Mahottari on April 16. Mahottari lies in Province 2.

Freedom Forum's representative Rajan Singh reported that the reporters were taking videos and pictures of illegal excavation in a local river during lockdown. In the meantime, four people arrived on their motorbikes and chased away the reporters. There reporters however escaped the attack and called local police for protection. A team led by Police Inspector Prakash Regmi reached the place to protect reporters. Freedom Forum condemns the attempt to attack reporters. Journalists reporting on corruption and illegal activities always face intimidation. Such incidents are representative cases of press freedom violation which create panic among working journalists and induce censorship. Hence, FF strongly urges the local authority and security body to ensure safety to the journalists thereby, helping protect press freedom rights.

### Death Threat

A hospital staff issued death threat to journalist Shital Saha, director at Radio Janakpur in Dhanusha on May 13. Dhanusha lies in Province 2 of Nepal. As per information provided by FF's representative Rajan Singh, journalist Saha had broadcasted news about negligence and irregularities at COVID-19 testing lab in Janakpur Provincial Hospital. Following this, hospital's junior staff Jugal Yadav and his two friends reached radio station and threatened the journalist to death for reporting the news.

### Arrest

Journalist Tiwari Yadav was arrested while he was on duty at Narayani FM, in Birgunj on May 10. Birgunj lies in Province 2. Journalist Tiwari is also associated to Nayapatraka daily. As per Freedom Forum's representative for Province 2, Rajan Singh, journalist Yadav was arrested although he was working at FM station. However, security official said he was held for parking vehicle outside the FM station. F.M. Technical Chief Dipendra Shah who had



witnessed the incident said, "Yadav was kept in custody and no one was allowed to meet him." The on-duty journalist was arrested and meted out misbehavior, intimidating the news airing. It is sheer violation of press freedom.

### Attack

Reporter to Nabajagriti weekly, Badri Narayan Yadav, was attacked by Nepal Army for reporting news on in Siraha on May 13. Siraha is a district in Province 2 of Nepal. According to FF's representative Rajan Singh, reporter Yadav was taking pictures of Nepal army officials who were on-duty to enforce lockdown. Even after revealing his identity as a reporter, one of the army officers beat him with a pipe questioning who he was to click the pictures of the army. Reporter Yadav got deep bruises on his back due to attack.

# Attack

Journalists Manoj Mourbait and Sibendra Rohita were attacked at Kohalpur of Sahitnagar Municipality-9, Dhanusha on April 18. The journalists duo were assaulted by a gang of five on their way home after reporting about the COVID-19. Their laptop and camera were also seized. Dhanusha district lies in Province No. 2. Mourbait and Rohita are reporters with the Janakpur Today and www.khojkendra.com, a web-based news portal, operated from Dhanusha district.

According to FF's representative Rajan Singh, a group of five persons beat the duo which resulted in a deep cut in the head of journalist Rohita. Mourbait also sustained injury due to the beating. Furthermore, they pointed towards the role of Mayor Udaya Barbariya of Sahidnagar Municipality who ordered such an attack. They had to be admitted in Janakpur Zonal Hospital for the treatment. Rohita said, "On Friday we were making a report about the quarantine facility at Sahid Nagar. These

facilities are in a worrisome state with no proper service in place."

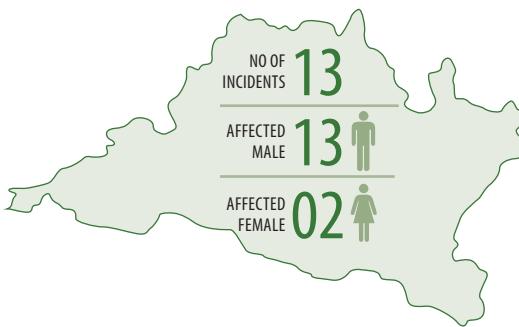
To learn about the municipality's position on it, they visited the municipality office. Shortly after that they were attacked. In the past too, the Mayor Barbariya had threatened journalist Mourbait for writing news about his administration. The duo had been disclosing the mismanagement of funds by the Barbariya's administration. 

# Arrest over social media post

Rita Rijal, one of the student leaders of the Nepal Students Union, was arrested after writing against the former Inspector General of Police, Sarvendra Khanal. Police arrested Rijal from Simara of Bara on 28 April. Bara lies in Province No 2. Rijal wrote, "Former Inspector General of Nepal

Police turns out to be an abductor", referring to a nationally debated arrest of a parliamentarian. Police arrested her under the charge of cybercrime and planning to file a "cybercrime" case in the court. Rijal's arrest has been widely criticized by the general public and freedom of expression activists. Freedom Forum showed

concern over Rijal arrest which is the sheer violation of freedom of expression. Harassing the public merely for criticizing the police on social media is absolutely wrong and condemnable. Misuse of Electronic Transaction Act must come to an end. 



# Bagmati Province

## Arrest over Facebook Post

**A.** Nepal Police arrested two youths from Kathmandu arguing that they spread hoax against Prime Minister K P Oli and other political leaders on April 9. Kathmandu lies in Bagmati Province of Nepal. FF's representative Ashok Dahal reported that according to Nepal Police Headquarters both of them were involved in doctoring photos of Prime Minister and other political leaders and sharing on social media.

A special team of police deployed from Cyber Bureau, Kathmandu detained 36-year old Tara Nachiring of Solukhumbu from Budhanilkantha, Kathmandu, and Raghu Shrestha aka Ram Kumar of Panauti Kavre.

Tara was found to be doctoring the photo of Prime Minister Oli and other political figures and Raghu was found to be distorting PM Oli's photo.

Furthermore, police have started an investigation against them under Electronic Transaction Act (2063 BS) for 'publishing and exhibiting content, that is restricted by existing laws, on electronic media, he said quoting Cyber Bureau of Nepal police.

It is not for the first time that authority has been suppressing citizen's right to freedom of expression misusing the ETA. As before, FF again is concerned over the incident as it is sheer misuse of authority to file the case under ETA; rather the case could be filed under civil code. Hence, FF urges the concerned authority to use legitimate ways to charge the accused.

**B.** Nepal Police arrested Gopi Bal Lama, a local of Makwanpur district for posting a status on his social media page on April 26. Makwanpur lies in the Bagmati Province of Nepal. Freedom Forum's representative for Bagmati Province Ram Mani Dahal said, "Lama was arrested for posting doctored pictures of Nepal's President and Prime Minister along with a status on his Facebook." Lama was arrested under cyber crime charge for spreading hoax through social media, according to the Police.

**C.** A geologist was arrested from Hetauda city on June 15 for writing about Chief Minister in his social media. Geologist Prakash Pratik Luitel was arrested by District Police Office Makwanpur. Makwanpur district lies in Bagmati Province.

According to the Freedom Forum representative Rammani Dahal, Luitel was arrested for allegedly posting on his Facebook page that Chief Minister Paudel failed to do a satisfactory job during the COVID-19 pandemic. DSP and Spokesperson of District Police Office Indra Bhadur Rana said he was arrested on Monday after a complaint was filed against him. Preparation to file a charge against Luitel was ongoing for committing acts of a public offense, said Rana. Luitel states, when inquired about his arrest, he was denied any reason why he was arrested.

Freedom Forum condemns the arrest of an innocent citizen who was exercising his constitutionally protected right to freedom of expression. Every citizen has the right to speak, write, and publish on the internet. Criticism of government, its employees, and agencies is exercise of FoE not a crime. Therefore, FF not only condemns the arrest but also argues that the complaint being filed at the police was intended to torture the innocent citizen for exposing the mismanagement of the bureaucracy. FF demands immediate release of the geologist. 

# Female reporter Subedi faces online harassment for critical news on govt activities

**J**ournalist Binu Subedi of the Kantipur national daily became a victim of cyber-bullying for her reporting on weaknesses of the government and the ruling political party. A group of individuals close to Nepal Communist Party's (NCP) harassed and trolled her spreading wrong message over her professional integrity in the second week of May.

“Some individuals have been harassing me via misleading and defamatory posts on micro-blogging site Twitter in the recent time,” Subedi said. She reports on the political beat of the newspaper. After her series of reporting exposing the government’s nexus with interest groups and plights of laborers stranded in the lockdown, various social media accounts started to attack her online.

Subedi said, “Our reporting sometimes questions the decisions and activities of the government. When my reporting becomes critical to the ruling leaders and government, they directly and indirectly, discourage me to write critical news,” Subedi told Freedom Forum.

A twitter user Umesh Dulal aka Nirajan Sharma tweeted accusing Subedi of getting a job at Kantipur daily upon the recommendation of former prime minister. Another user Asmita Thapa, accused Subedi of her critic reporting about the government was because Defense Minister refused to take her on the helicopter during his border inspection in Darchula. Various other twitter users have retweeted the



tweets and other individuals close to NCP have tweeted the similar misinformation about her.

“Sometimes they misinterpret my reporting and other times they spread illusion about my professional integrity. Although it has not obstructed my work, it has discouraged me a lot,” she said. According to her, most of the social media users trolling and bullying her are close and loyal to the Prime Minister. Government, political parties, and leaders are free to refute the media reporting if they don’t agree on it. There are legal provisions where they can place complaints- the Press Council Nepal-to report journalist’s reporting if that is wrong.

Lately, cyber harassment and bullying has been widely adopted by the ardent supporters of government to discourage, de-motivate, belittle and discredit media and journalists. It has badly damaged the safe and secure atmosphere for the journalists, especially female ones, to continue profession. In addition to the repressive laws and policies on media, online harassment with mobilization of supporters and cyber armies is another new trend to suppress freedom of expression and journalists’ rights. This action by the ruling party supporters not only exposes NCP commitment to protection of free press but also indicates development of national politics hostile to freedoms.

## Poudel released on bail with FF’s legal support on cyber crime charge

**F**reedom Forum shares that Toranraj Poudel aka Madhu was released from custody on bail with FF’s legal support. On May 14, Toran raj Paudel was arrested for posting a sarcastic cartoon featuring political leaders on his social media page. He was released after 11 days on custody. He was arrested from Sindhuli. Sindhuli lies in Bagmati Province in Nepal.

21-year-old Poudel was charged under the Electronic Transaction Act, 2063. Poudel was arrested after Kathmandu District Court issued arrest order on May 10 following Metropolitan Police Circle, Kathmandu’s complaint at the

court. The next proceeding is due for the 2nd of July, 2020.

A statement issued by Cyber Bureau of Police accused Poudel of mutilating photos of Nepal’s Prime Minister including other political figures and disturbing public morality spreading hoax in social media sites.

Poudel states that he did not create the image by himself; he merely shared the post as he found it satirical and humorous.

It is surprising that the investigation has not been done on the creator of the image but the

one among the thousands who shared it. This shows the direct intention of the government to shut down the voices of people having different political opinions or affiliations by holding him accused of a criminal charge.

Freedom Forum is concerned over the arrest of social media users being done which is a direct violation of freedom of expression. Arresting a citizen under cybercrime charge merely for sharing on social media pages is against the right to freedom of expression. Hence FF urges security authority to resort to legitimate ways for concern over social media user’s posts rather than sheer misuse of ETA. 

## Minister's aide threatens editor

A day after a defamatory social media post against nepallive.com online news portal from a secretariat staff of Defense Minister, Editor-in-Chief of the online media, Narayan Amrit, received a threat from an unknown person using the private call ID.

Private caller ID is provided only to the cabinet ministers and the high profile government officials in Nepal.

According to Province-3 representative, Ashok Dahal, Editor-in-Chief of the online, Amrit received repeated calls from the private number on Friday, June 19. "I

received a call from a private number at 9:00 am. The unknown caller harassed and threatened me," said Amrit.

The same person called him again at 12:00 noon and threatened, according to him. Editor-in-Chief Amrit had challenged the secretariat staff to establish the allegation. Earlier, Lokendra KC, the secretariat staff at the minister's office, had accused the online of receiving Rs 100 million from the State upon the recommendation from an opposition leader. The online has been carrying various investigative news exposing irregularities and corruption rife in government activities.

In the recent years, the journalists in Nepal are repeatedly intimidated by those near ministers and power centres to suppress press freedom and misuse media.

Freedom Forum vehemently condemns the threats and strongly urges the concerned Minister to control its staffs for saving free press. Atmosphere to terror to journalists cannot be entertained in the democracy. Those in public offices and in power must respect free expression. 

## FNJ General Secretary threatened

Prime Minister's Press Advisor threatened General Secretary of Federation of Nepali Journalists (FNJ) Ramesh Bista over the statement he issued from the FNJ office, condemning the pressure created to an online news portal to remove critical news against government.

Bista had issued a statement on Thursday, April 2 against the deletion of news from an online news portal, Kathmandupress.com under pressure.

F1 Soft, the parent company of Siran Technologies, which is developer and designer of Kathmandupress.com later admitted that their team deleted the news after 'miscommunication' within their team members.

Prime Minister's IT consultant Asgar Ali is one of the owners of the Siran Technologies and F1 Soft Company. According to the Kathmandupress, PM's IT Consultant Ali's two business partners—Biswas Dhakal, Chairperson of F1 Soft and Subas Sharma the CEO of the company, had repeatedly pressed the editors to remove the news. After the news portal declined to remove the news, the developer company owned by PM's IT consultant advisor deleted the news and also disabled access to all admins from uploading news or make any changes to the site for two hours.

"A team of FNJ visited the office of the Kathmandupress after learning the incident. They told us that Prime Minister's Press Advisor Thapa himself also pressed the online to remove the news," said FNJ Central Committee Member Yam Birahi.

Based on the reports from Kathmandupress team the FNJ issued a statement showing the involvement of PM's secretariat team, including Thapa, in pressuring the online to remove the news.

Hours after FNJ's statement, Thapa called FNJ General Secretary Bista on Thursday evening on the latter's mobile and threatened of 'showing him his (clout)' in response to the FNJ statement, informed Birahi.

"PM's Advisor Thapa told Bista that FNJ should not have issued that kind of press statement and accused him of taking the wrong way," Birahi said.

In a bid to counter the FNJ statement PM's Advisor Thapa issued a separate statement on the same day accusing the FNJ being politically motivated and biased against the government. Buying the idea of PM's advisor some former and incumbent central committee members' of the FNJ who are affiliated to ruling Nepal



*FNJ General Secretary Bista*

Communist Party (NCP)'s sister wing of journalists also issued a separate statement on Friday, April 3 expressing objection to the FNJ statement.

The news published by the Kathmandupress had implicated the involvement of Prime Minister's Chief Advisor Bishnu Rimal's son in an irregularity while procuring the sub-standard medical supplies related to Covid-19 pandemic in the country, from a disputed supplier in a higher price than the other suppliers had offered. 

## Death Threat

Journalist Govinda Pariyar was issued death threat over news in Kathmandu on June 14, 2020. Kathmandu lies in Bagmati Province. Journalist Pariyar is the Managing Editor of kathmandupress.com online news portal. As per information received by Freedom Forum, a few days back, Kathmandupress.com had published news about charging high fares on chartered flights by Sumeg Travel Agency. Director of the same agency Megha KC threatened journalist Pariyar using foul words over news. Also, Director KC questioned the journalist about the authenticity of the news.

Freedom Forum condemns the incident as journalist Pariyar is threatened over news which has posed a threat to press freedom. Legal ways are open that he can to file complaint over any kind of dissatisfaction regarding published content. However, intimidating journalists only further creates a fearful atmosphere among fellow journalists which is harmful to fair journalism.

## Arrest

Simara Police Office arrested journalist Rabindra Gautam for alleged spread of misleading information via his Facebook handle. He was held under cybercrime charge in Hetauda on April 14. Hetauda lies in Bagmati Province. Journalist Gautam is associated with Sarobar FM.

As per Freedom Forum representative for Province 3, Rammani Dahal, journalist Gautam was arrested for allegedly posting fake

information on Facebook status which simply stated: "Three Indian nationalities are detected with the Coronavirus infections in Birgunj Metropolitan City of Parsa district. The districts such as Parsa, Bara, Rautahat among others should adopt high precautionary measures. There is no reason to worry. The districts of the Terai region are safe. Let's not be terrorized instead follow the government's decision." Although the journalist posted information urging for precaution on the coronavirus, the police wrongfully held him and harassed unnecessarily. A day later, after the pressure from media persons and FoE organizations that journalist had not spread misinformation, the police released him with Rs. 2000 as bail amount a day later.

## Arrest

Journalists duo Binod Babu Rijal and Arjun Adhikari were briefly detained for alleged defiance of lockdown in Chitwan on April 27. Chitwan lies in Bagmati Province of Nepal. FF representative Ram Mani Dahal said, "The journalists were taken under control at 10:00 am while they were on field reporting. Even after revealing their identity as journalists, police misbehaved with them and seized their mobile phones and motorbike." Journalists duo were kept in quarantine after taking under control for an hour, informed representative Dahal.

Journalist Rijal is an editor to Chitwan based Kayakairan daily and Adhikari a reporter to Radio Triveni. At a time when whole world is in lockdown to contain COVID-19 pandemic, journalists are obliged to report and make citizens informed on current affairs. The arrest therefore was violation of press freedom.

## Arrest

Shortly after releasing two journalists held briefly, police again took a female journalist under control while reporting in Chitwan on April 27. Chitwan lies in the Bagmati Province of Nepal.

"Police took Kantipur daily's reporter Pramita Dhakal under control when she was taking pictures of the vehicles seized by the police during lockdown within the premises of District Police Office," reported FF's representative Ram Mani Dahal quoting local reporter Basanta Parajuli. Although Dhakal was accompanied by other journalists, the police only took Dhakal under control for two hours. The police released Dhakal at around 6 pm after the objection by the journalists.

## Death Threat

Actress Nisha Adhikari issued threat to journalist Madan Rijal over the YouTube content's feedback in Kathmandu. Kathmandu lies in Bagmati Province. Journalist Rijal is associated with [www.canadanepal.com](http://www.canadanepal.com) As per information Rijal shared to the Freedom Forum, actress Adhikari threatened him over the content's feedback received from YouTube viewers. Feedback was on the YouTube content that was all about the interview of former Minister and popular leader and his spouse. This YouTube content was uploaded in [canadanepal.com](http://www.canadanepal.com) 10 months back.

## Misbehavior

News chief at [www.tukhabar.com](http://www.tukhabar.com) (an online web-based portal) Balaram Pudasaini was misbehaved by a local Ramesh Gelal for reporting news in Makwanpur district on June 9. The

# Journalist of Radio Nepal arrested

Journalist and board member of the state-owned broadcaster Radio Nepal, Dipak Pathak, was arrested from Bhaktapur on April 30 in an alleged criticism of co-chairperson of the ruling Nepal Communist Party (NCP) Pushpa Kamal Dahal on social media. According to FF's representative Ashok Dahal, Pathak had posted Facebook updates, criticizing Dahal and his political moves in the last few weeks. The arrest of Pathak comes at a time when dispute between Prime Minister K P Oli-led faction and another faction led by co-chairperson Dahal was escalating in the ruling party.

Co-Chair Dahal's Press Advisor Bishnu Sapkota had filed a complaint against Pathak at Press Council Nepal (PCN), the media regulatory body, demanding action against Pathak for the Facebook post, said representative Dahal.

"Police detained Pathak today with prior permission from the court after complaints from an individual and PCN for his social media posts that invokes to the Electronic Transaction Act. We are planning to file a case against him at the court under the same law," said Cyber Bureau of Nepal Police. According to the police, he was remanded into custody for further investigation.

It was worrying to learn that PCN wrote to the Nepal Police and Ministry of Communications and Information Technology demanding action against Pathak for writing criticism against Chairman Dahal. Lateley, the government has been arresting civilians and journalists for social media posts in the name of 'cybercrime' invoking Electronic Transaction Act (ETA). Former government secretary Bhim Upadhyaya was released after court order after spending six days on police custody for criticizing the politicians and government officials on Twitter. 

# Retired govt secretary arrested

Freedom Forum showed its concern towards the arrest of former Secretary Bhim Upadhyay for allegedly posting negative comments on the government's actions and public policies through the social media platforms. He was held for cybercrime charges by the Central Cyber Bureau of Nepal Police on the April 22. Kathmandu District Court re-

manded him to custody on the April 23 for three days. Kathmandu is the federal capital which lies in Province No. 3. It was unfortunate and against the notion of free speech guaranteed by the constitution of Nepal. In the name of spreading misinformation, the State has been repeatedly misusing its resource to silence the FoE practitioners which should have instead been diverted

to help the needy during the crisis. Upadhyay had pointed out the weakness of government activities, urged for good governance. Nepal as a democratic country should at all times respect any forms of criticism. Instead of silencing citizen for practicing FoE, the State mechanisms can welcome the healthy criticism for improving system.

district lies in Bagmati Province of Nepal. According to Freedom Forum's representative Rammani Dahal, journalist was reporting on difficulties farmers had to face while buying fertilizers in a place at Hetauda. In the meantime, Gelal pushed him back and verbally abused him without any reason in the presence of police officers. Later, Police arrested Gelal and has charged him under indecent behavior following the complaint filed by journalist Pudasaini and other fellow journalists. Freedom Forum condemns the misbehavior meted out to on-duty journalist.

## Threat

Reporter with the Nagarik daily, Dilip Poudel, has been issued threat of attack over a news story he reported for the daily on April 14. It occurred in the federal capital, Kathmandu. Various persons issued the threat publicly via Facebook post even mentioning his number. Reporter Poudel had written a news on violence against women occurred in the capital city. Talking to Freedom Forum, reporter Poudel said, "I'm receiving numerous messages, threatening of attack. With the threats even on phone and Facebook, I'm worried of safety." Anyone concerned over the news content can

take legal recourse- lodging complaint at Press Council Nepal. But issuance of public threat against journalist merely for news writing is against press freedom. Calling for action against journalist over Facebook is further likely to stoke untoward incident against media persons.

## Arrest

Nepal Police arrested 21-year-old Toranraj Poudel aka Madhu on May 14 for allegedly posting disfigured images of political leaders on his social media page. He was held from Sindhuli, a district in Bagmati Province of Nepal. According to FF's representative Ram Mani Dahal, Poudel was charged under Electronic Transaction Act. He was arrested after Kathmandu District Court issued arrest order on May 10 following the complaint of Metropolitan Police Circle, Kathmandu. A statement issued by Cyber Bureau of Police accused Poudel of mutilating photos of Nepal's Prime Minister including other political figures and disturbing public morality spreading hoax in social media sites. However, arrested Poudel stated that he had only shared those images on his page and not created himself.

## Manhandle

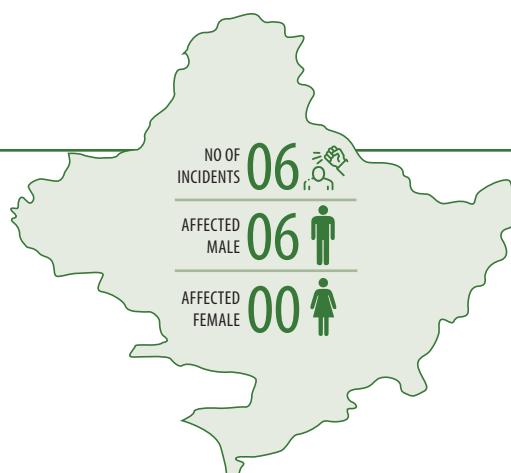
Reporter with a news portal, baahrakhari.com, Keshab Raj Joshi, was manhandled while reporting in Kathmandu April 30. Kathmandu is the federal capital of Nepal. FF's representative Ashok Dahal reported that a traffic police officer snatched the camera and press card of Joshi while shooting video during the lockdown at New Baneshwor, Kathmandu. According to him, reporter Joshi had stopped at the junction to capture the vehicular movement during the lockdown while heading to his office at Thapathali. "Traffic police on the duty first asked me not to shoot video. Then I showed him my identity card but he snatched the card asking why I took the video without permission," said Joshi. After seizing his camera and identity card for about 20 minutes, traffic officer Sambhu Shrestha handed back the stuffs following complaint to the senior traffic police officials.

"I complained at the Kathmandu chief of Traffic Police Bhim Dhakal about the manhandling. He has assured to take action against the police involved in the incident and ordered him to return my stuffs," informed Joshi.

# Gandaki Province

## Arrest over Facebook comment

Nepal Police arrested Birat Manandhar from Syangja on April 3 for commenting on a Facebook post. Manandhar is also a member of Nepal Students' Union, Syangja. Syangja lies in Gandaki Province of Nepal. According to FF's representative from Gandaki Province Rajan Upadhyay, Manandhar was arrested from his residence for writing a comment on Facebook post about local road construction. Representative Upadhyay quoted Chief of District Police Bamiraj Kandel as saying discussion on the case was ongoing on. Also, Manandhar's comment has been deleted after his arrest.



## Misbehavior

Security officials misbehaved with journalist Buparaj Basyal over the news in Syangja on June 15. Syangja lies in Gandaki Province.

Also, the local administration harassed journalists interrogating him about the published news. Journalist Basyal is associated with Nepal Samacharpatra daily.

As per Freedom Forum's representative for Gandaki Province, Rajan Pokharel, journalist Basyal had published news regarding the suicide case of Galyang Health Branch's Chief. Over the news, journalist Basyal was called for interrogation at local administration. While heading to local administration, journalist

Basyal was misbehaved by security officials. Talking to Pokharel, journalist Basyal said, "In the direction of Galyang Municipality Mayor Bhuparaj Adhikari, journalist Basyal was asked to be present at administration to explain about the suicide case which was published earlier in the newspaper."

Freedom Forum condemns the incident as it is violation of press freedom. Instead of harassing journalists by the local administration about published news, it could take legal recourse to get its complaint addressed in case of discontent over the news content. Misbehavior and harassment to journalist over news causes self-censorship and damages professionalism. Hence, FF urges the concerned authority to ensure a fear-free atmosphere for journalists.

## Threat

Journalist Arjun Giri, an editor of [www.tandavnews.com](http://www.tandavnews.com), was issued threat for writing news in Pokhara on June 28. Pokhara lies in Gandaki Province.

According to Freedom Forum's representative for Gandaki Province, Rajan Upadhyay, journalist Giri was threatened by an unknown person over the phone saying that river bank was closed due to the news. It was mentioned in the news that Ram Chandra Thapa of Pokhara-25 has been using the river bank, claiming it as his land.

On July 26, Tandav News portal had published news with headline: 'Hemja's Sahasradharaghata under Thapa's control for years.' On the basis of the same news, the Pokhara Metropolitan City had directed to close the river bank on Sunday. Subsequently, journalist Giri again published the news under the headline: 'Tandav News Impact: Letter from the metropolis to close Hemja's ghat immediately.' FF condemns the incident as it is a sheer violation of press freedom. Instead of providing favorable atmo-

sphere for journalists who expose irregularities and ill practices for the betterment of society, threat to them is deplorable. Fear-free environment must be ensured for journalists.

## Misbehavior

Reporter with the Damauli Khabar daily and its online edition [www.damaulikhabar.com](http://www.damaulikhabar.com) Rajendra Pariyar was misbehaved by a traffic police in Tanahun on April 9. Tanahun lies in Gandaki Province. According to Freedom Forum's representative Rajan Upadhyay, Chief of District Traffic Police Purna Bahadur Adhikari misbehaved with the reporter Pariyar while he was returning to office after reporting. The police also seized his motorcycle. Representative Upadhyay also shared that Pariyar was misbehaved for reporting news about the police officer. However, while asking Chief Adhikari about the incident, police informed that the reporter was not misbehaved rather his vehicle was seized after he repeatedly drove on the way with different persons.

## Threat

Journalist Rajan Upadhyay was issued threat via Facebook page over news in Tanahu on April 10. Tanahu lies in Gandaki Province. News was about a lady who had been kept in isolation suspecting the risk of COVID-19 pandemic. Journalist Upadhyay is associated with Sukla Gandaki F.M. its news portal [www.shuklagandakifm.com](http://www.shuklagandakifm.com). As per information received by FF's monitoring section, a person called Jike Shrestha threatened journalist through his Facebook page arguing the news fake one, which he said, would stoke fear among public.

## Misbehavior

Security officials misbehaved journalist Prem Nepali while reporting in Kaski on May 5. Kaski lies in Gandaki Province. Journalist

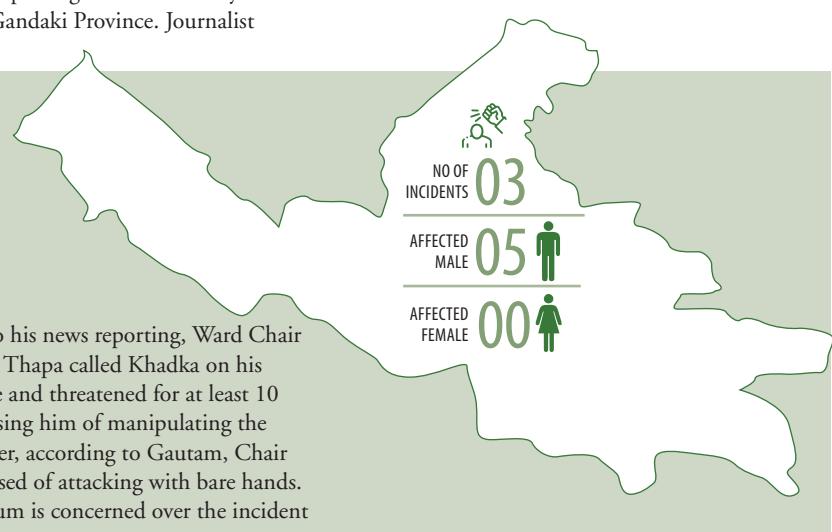
Nepali is associated with Hour TV. According to Freedom Forum's representative for Gandaki Province, Rajan Upadhyay, journalist Nepali was reporting about complaint filed on ethnic discrimination at District Police Office, Kaski.

A group of dalit representatives along with Mohan Sunar who filed complaint were at office to know about the status of complaint, but they were misbehaved by the police. While capturing footage of misbehavior to Dalit representatives journalist Nepali was also treated badly and Police Inspector snatched journalist's camera. Moreover, Inspector Deepak KC aggressively responded to journalist who said that it is not allowed to capture footage without the consent of police. Meanwhile, Chief Superintendent of Police Dan Bahadur Karki claimed that complaint filed on ethnic discrimination is under investigation and journalist was not treated badly while inquiring about the case.

## Threat

Journalist Aash Gurung was threatened over news via social media in Lamjung on June 6. Lamjung lies in Gandaki Province. Journalist Gurung is associated with Kantipur Television.

As per representative from Gandaki Province, Rajan Pokharel, journalist Gurung had written news representing Centre for Investigative Journalism about the misuse of agricultural grants. Gurung mentioned that those who have access to power were receiving grants without meeting grants criteria and he highlighted that one who should recommend grants were themselves misusing the grants. Meanwhile, journalist Gurung was criticized and threatened through social media platforms by parties' cadres over the news. Another journalist Rishi Adhikari was also threatened raising questions over the dissemination of the same news.



## PROVINCE 5

### Threat

Nanda Ram Khadka, correspondent to News-24 television, was issued threat for news reporting in Rolpa on June 15. Rolpa lies in Province 5. Freedom Forum's representative Sudeep Gautam reported that the television had broadcasted news entitled 'Three injured in an attack by ward chairperson'. It was reported by Khadka on June 11.

In response to his news reporting, Ward Chair Nep Bahadur Thapa called Khadka on his mobile phone and threatened for at least 10 minutes accusing him of manipulating the news. However, according to Gautam, Chair Thapa confessed of attacking with bare hands. Freedom Forum is concerned over the incident

# Whistleblower suspended for criticism

Rapti Institute of Health Sciences terminated the contract of doctor Amrita Shrestha and nurse Prakriti DC for criticizing the hospital administration on their Facebook handle. Rapti lies in Dang district of Province No. 5. According to Nurse Prakriti, she

had shared a Facebook story stating that the PPE for the hospital staffs was minimal. She further wrote, "Asking doctors and nurses to work without necessary PPE is like saying the army to fight without weapons in a war." Shortly, after the Facebook status, she was handed a termination

paper for this reason. However, the institute's Vice-Chancellor claimed that their contract was not extended because their work was not satisfactory. However, it was worrying that they were removed shortly after their criticism against the hospital. 

as it is violation of press freedom. Being a responsible authority, ward Chair should be aware of journalists' right to free reporting. FF urges the authority to respect rights of press freedom and create secure atmosphere for journalists.

## Verbal Abuse

Station manager at Rupandehi based Community Radio Marchbar, Anil Tiwari, was abused verbally over telephone on April 11, 2020. Rupandehi district lies in Province 5 of Nepal. According to senior journalist and RTI activist in Province 5, Ram Bikash Chaudhary, while airing radio program, a person named Ghanashyam Yadav called and spoke foul on Tiwari. Yadav abused Tiwari for reporting

about the irregularities on distribution of relief materials by the rural municipality. In Nepal, most of the local authorities have been distributing relief materials to the needy families after government extended lockdown in a bid to contain the spread of Covid-19 pandemic in the country.

## Arrest over Facebook post

Freedom Forum condemned the arrest of Alam Khan, a human rights activist and journalist. He was held for writing on Facebook about the COVID-19 mismanagement, resulting into the death of a person with coronavirus on the May 20. He was arrested in Banke, Nepalganj. Nepalganj lies in Province-5.

According to FF's representative from Province-5, Sudip Gautam, Alam was arrested by District Police Office in Nepalganj. He was kept at the district police office for the whole day before releasing him on the condition that he appears in the police office on a daily basis. On his Facebook status, Alam had written that the dead person should be declared a martyr and be compensated indicating that the mismanagement of administration was behind the death. Upon inquiry, Alam said even though no one had lodged a complaint against him, the police had arrested him. Since the day of the arrest, Alam was present at the Police Office.

# Karnali Province

## Electricity supply cut off to shut down FM Radio

A Surkhet based community radio Dadadara FM shut down broadcast for 15 days after a local hydropower project cut off power on May 23 and resumed partially from June 7. Surkhet lies in Karnali Province of Nepal.

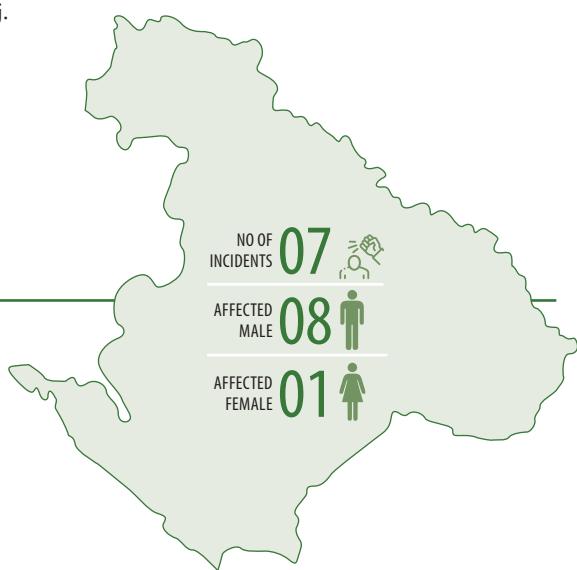
According to FF's representative Laxmi Bhandari, the radio was run with electricity produced at local Khamari Khola Micro Hydropower project and after power cut it has been broadcasting partially. Talking to representative Bhandari, FM's station manager Amar Karki shared that they had been using 880 watt solar power installed in a local school nearby to partially broadcast the radio. Station Manager Karki

further informed that the hydropower project's Chair Jeevan Dhungana had ordered to cut off the power as he was 'dissatisfied with the radio for not publishing news of his interest'.

Freedom Forum is concerned over the obstruction caused on media as it is violation of media rights. At this time of crisis, free flow of information is a must to keep citizens informed thus ensuring right to information which is best possible through media.

## Lawmaker threatens journo

Karnali Province lawmaker, Dan Singh Pariyar, threatened journalist Nagendra Upadhyay for reporting news about lockdown and its subsequent effects on April 5. Upadhyay is Province Bureau Chief of the Nagarik national daily.



According to Freedom Forum's representative from Karnali Province Laxmi Bhandari, lawmaker Pariyar threatened journalist Upadhyay for covering the news entitled 'two youths stuck in lockdown, desperate to get their destination'. In the news story published in the Nagarik broadsheet, Upadhyay had quoted the youth as saying, "The parliamentarians whom they were voted to get elected did not lend

# Online harassment

**E**ditor-In-Chief of the Karnalipatra daily Suryamani Gautam was harassed online for a news story on misuse of budget. The news was posted on social media pages on June 11. The posts are reportedly published following news entitled- 'Speaker of poor province in a car worth two crores' published on Karnalipatra daily on May 20.

According to FF's representative at Karnali Province Laxmi Bhandari, Gautam had

reported the news exposing Province Speaker Raj Bahadur Shahi's involvement in irregularities on spending province budget. Talking to representative Bhandari, Gautam shared that the news and posts are published in an attempt to his character assassination which has badly affected him mentally and socially.

Recently, Gautam has also been receiving calls from different unknown numbers on which he suspects the activity is directed by Speaker Shahi.

Such harassment meted out to journalist is sheer violation of press freedom and right to information. Journalists exposing irregularities are always under threat of intimidation and such activities may aggravate the situation leading to censorship. Being a responsible local authority, the Speaker would have resorted legitimate ways for any dissatisfaction over news contents instead of harassing a journalist online. 

them help at this time of crisis". The journalist had also uploaded the video on his Facebook post. Lawmaker Pariyar wrote a message to the journalist through messenger, accusing him of tarnishing his (lawmaker) reputation, informed representative Bhandari. Owing to the COVID-19 pandemic, the government has enforced nationwide lockdown to minimize risks stemming from its possible transmission. In such emergency time too, journalists have the right to report on the issues of public concern.

## Attack

Correspondent at Jagaran FM, Nanda Kathayat, was attacked by security persons in Surkhet on April 6. Surkhet district lies in Karnali Province of Nepal. According to FF's representative Laxmi Bhandari, on-duty security person attacked reporter Kathayat for alleged defying the lockdown. He was heading towards his work station to read the news. Although he spotted his identity card, police officers pushed and kicked him, informed Bhandari.

## Threat

Correspondent to the Nagarik national daily from Dailekh, Govinda KC, was threatened of attack for reporting on April 27. Dailekh is situated in Karnali Province of Nepal. FF's representative Laxmi Bhandari reported that reporter KC was threatened by a canteen owner Chhatra Thapa for writing news about irregularities of Narayan Municipality in Dailekh.

The news entitled- irregularities on purchase of relief materials- was published on Nagarik daily on April 22. Following the news publication, municipality's canteen owner Thapa abused

*"Why are Home Minister and the administration sacred of us? We are shocked by this restriction." Bishwokarma wondered with representative Bhandari.*

reporter KC at public place saying why and at what expense the news report was made. Representative Bhandari further stated that Thapa had even called goons to attack the reporter. However, police took Thapa under control later.

## Obstruction

Journalists duo Tekendra Bishwakarma and Khagendra Sunar were obstructed at Salyan district on the way to Jajarkot for the reporting about the Soti carnage on June 4. Salyan lies in Karnali Province.

The Soti carnage was about the inter-caste marriage attempt, which was suppressed by the girls' side resulting to the murder of youths from boy's side on May 24. Journalists duo Bishwakarma and Sunar are associated with Local Province F.M Network and Deuti HD Television respectively.

As per Freedom Forum's representative for Karnali Province, Laxmi Bhandari, altogether eight journalists were heading towards Jajarkot for reporting the incident. She further

added although six other journalists were not restricted to travel towards Jajarkot, journalists duo Bishwokarma and Sunar were obstructed on the way.

Journalist Bishwokarma talking to FF's representative Bhandari shared, "Security officials were prepared to obstruct us prior to our visit as they had already received the photos of us in their mobile phone. After matching the photos of us on their mobile phone, they intentionally prohibited us from going forward for reporting about the incident."

*"Why are Home Minister and the administration sacred of us? We are shocked by this restriction." Bishwokarma wondered with representative Bhandari.*

Moreover, Karnali Province DIG Basanta Panta had already told them that there would not be any kind of obstruction to report the incident prior to their travel to Salyan, but later security officials who were under him obstructed them in reporting. Soti incident is a serious crime, subduing Dalit community.

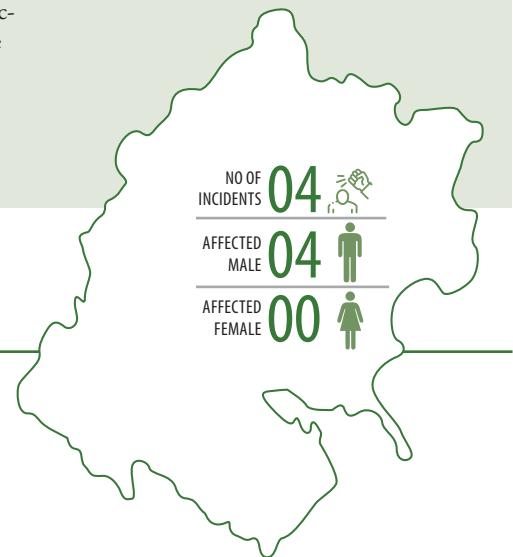
# Minister's aide threaten journo

Journalists Sher Bahadur Thapa and Deepak Budha were issued threat for reporting news on irregularities in Surkhet on June 14. Surkhet lies in Karnali Province. Journalist Thapa is associated with [www.lokaantar.com](http://www.lokaantar.com), a web based news portal, local Hamro Naya Nepal daily while Buddha the editor to Yug Ahwan daily.

According to FF's representative Laxmi Bhandari, journalists' duo had published investigative news on misuse of agricultural

grant provided by the Ministry of Land Management, Agriculture and Cooperative on June 12. Following the publication of news at both national and local media, concerned minister's secretary Mukunda Sharma threatened journalists through phone calls and direct meetings, informed representative Bhandari. Talking to Bhandari, journalists shared that secretary threatened them for reporting news. He also abused them verbally for publishing news about him and the minister. Freedom Forum condemns threat issued to the journalists as it is sheer violation of press freedom. Threat

issued by the responsible authority to the journalists for reporting on the public concern issues may create censorship in media and create fear among fellow journalists. Hence, FF strongly urges the concerned authority to respect journalists' rights of free reporting.



## Sudur Paschim Province

### Obstruction

Chairperson of Ward No 1 in Dhangadi Sub-Metropolitan city, Santosh Mudbhari, and his people picketed the Radio Dhanagdhi office over a news broadcast on embezzlement allegedly with his alleged involvement.

Dhangadi lies in the Kailali district of Sudur Paschim Province. It was an attempt of attack on journalist Nabaraj Dhanuk associated with Radio Dhangadi was made on April 12.

According to FF's representative Min Bam, Mudbhari along with his group of six persons picketed the Radio office over the news regarding the distribution of relief materials by the Chairperson. The chairperson attempted to attack the presenter of the radio program 'Hot Debate', Nabaraj Dhanuk but the residents of Ward No. 3 stopped them.

### Threat

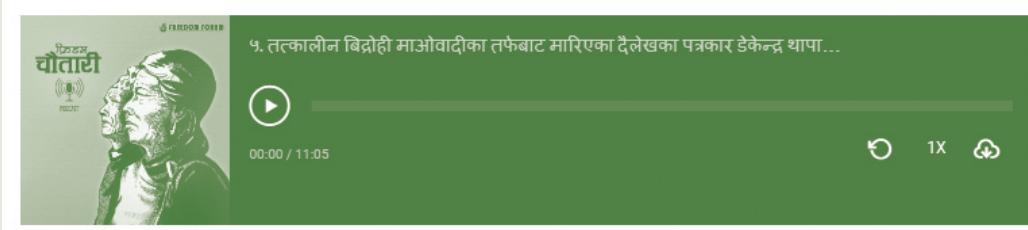
Local entrepreneur issued threat to journalist Tanka Prasad Kandel over news in Kailali on June 9. Kailali lies in Sudurpaschim Province.

Freedom Forum's representative for Sudurpaschim Province, Min Bam, shared that journalist Kandel published news about the responsibility given to NGOs for the suggestion collection of Municipality's policy and program and another story was on the headline, "Contrary to the drainage construction criteria in the 1 million budget of the state infrastructure." Journalist Kandel was threatened by local entrepreneur Hom Prasad Acharya through telephonic conversation who aggressively used foul words on journalist over the published news.

### Apology after misbehaviour

A group of locals who misbehaved journalist Bhim BK for the news apologized later in Kailali on May 30. Kailali lies in Sudurpaschim Province. As per Freedom Forum's representative for Sudurpaschim Province, Min Bim, journalist BK was misbehaved as he had disseminated news about the locals who obstructed highway and also gathered mass during this time of lockdown. Later, dispute was resolved after the group of locals admitted the mistake in a discussion held at the Area Police Office, Tikapur and also committed not to repeat such in future.

## Listen to Freedom Forum Podcast Freedom Chautari Here.



<http://freedomforum.org.np/content/podcast/>

# Govt intimidation on media, journalists continues unabated in Nepal

**S**tate of government intimidation on media and working journalists has intensified further in Nepal lately. No sooner had it been a week the government earned huge disrepute with the arrest of a former secretary of the government over his view on social media, the State-owned Radio Nepal removed an interview it had with the former prime minister Dr Baburam Bhattarai in a talk program on April 27 morning. To sheer censorship on State media, Radio Nepal removed the audio of an interview with former prime minister Dr Bhattarai from its online archive over Dr Bhattarai's alleged disrespect to current Prime Minister K P Oli in the interview.

Dr Bhattarai had criticized undue influence of Prime Minister Oli on his party and mishandling of state affairs in the live interview with senior editor at Radio Nepal, Nawaraj Lamsal.

To this, Executive Director of the Radio Nepal, Suresh Kumar Karki sought public apology for airing the 'opinion and language' of former Prime Minister Dr Bhattarai. Issuing the statement, he directed the Radio Nepal staffs to be cautious while choosing guest in the program to be broadcast from the Radio Nepal.

It is worth noting here that the former line minister of this very government had closed a talk program on Nepal Television and warned of action to the editors of country's news agency.

It is deplorable that, time and again, this government has misused the State-owned media with blatant interference and killing news and views which criticize its activities.

Healthy criticism is the essence of freedom of expression which is guaranteed by Nepal's constitution. But it is shameful that the State media are being captured by the government, thereby

turning these into mere mouthpiece of 'ruling political parties.'

"At a time when the voice has been raised over decades to change the State-owned Radio Nepal into a public service broadcasting, misuse of these media for the admiration of the ruling party is a serious set back on right to free expression. This Radio Nepal case reflects growing interference of government and has disrespected the editorial freedom, which is not only against the constitution but also detrimental to democratic values," observes Freedom Forum Executive Chief Taranath Dahal.

Government's growing intolerance to criticism is the headway to authoritarian move, FF concludes and equally urges Radio Nepal not to kill news and views but respect editorial freedom to Radio Nepal, the voice of Nepalis. 

## Shutdown of online news portals unconstitutional

**F**reedom Forum condemns government's decision to shutdown seventeen additional online news portals on March 31 after imposing ban on five online news portals earlier on March 22.

According to Online Journalists Association, Press Council Nepal, a media regulatory body, had written to the National Telecommunication Authority to restrict access to those online portals from the country for 'spreading hoax' on Covid-19.

The Council wrote to the authority alleging media for spreading misinformation about Covid-19 pandemic and creating panic among the public.

Meanwhile, the Council had asked clarification from 37 media including News 24 Television and Rajdhani daily for 'broadcasting and publishing wrong information about the Covid-19'. FF is closely monitoring the case.

Council must not act arbitrarily; it has not made its monitoring methodology transparent to dub any news misinformation. Yes, it is rightful body to monitor the content but in the name of monitoring content, blocking media is deplorable. Also, in the name of misinformation, journalists must not be panicked and media controlled.

Press Council is eligible to ask for clarification to the concerned media and help those improve

their contents but such action of banning online news portals is unconstitutional as Nepal's constitution itself guarantees rights to free press and freedom of expression, argues FF's Executive Chief Taranath Dahal.

To this, FF observes, "Government's action to stop media from publishing fake news is acceptable but such blanket approach adopted to block the sites will suppress the freedom of expression". Hence, FF urges concerned authority to respect the rights to press freedom and freedom of expression. At this time of crisis, instead of taking one-sided decision, formation of a certain mechanism with participation of wider stakeholders can be mulled to ascertain fake news. 

# Orientations on RTI Nepal App to boost RTI use for good governance

In view of the COVID-19 lockdown and the people from diverse professions locked indoors, Freedom Forum utilized the technological platform to organize its programs and keep intact the relevant issues that determine the good governance. It is evident that role of right to information (RTI) had been more important also in the context of the devolution of political power and financial authorities after the formation of three layers' government in the country.

With this in the background, FF conducted orientations on RTI Nepal App in different parts of the country via Zoom conference in June. The RTI Nepal App is a mobile application FF developed two years back to facilitate the use of RTI via technology. Its objective is to make RTI use easier and understandable. Information request filing in line with RTI Act, appeal process, and success stories among other features are clearly mentioned in the App. It frees one from the hassles of going through the book of laws. One can just pick the phone, download the App, learn the process of RTI use and apply it in practice to help ensure accountability and transparency in public offices and make everyone informed. One can easily exercise the fundamental rights of access to information with the help of this application. Aware citizens, media persons, researchers, good governance activists, FoE defenders can use it in a convenient manner.

RTI Nepal is downloadable in android phones. The app is an integrated package comprising principles to practices of RTI - along with news updates and podcasts. Four orientation programs were held in the month of June among women, students and teacher's group in two provinces. On June 14, a group of 20 local women from Jorpati, Kathmandu, participated in the orientation held through Zoom online platform. They were keen on the use of application and equally excited to know that they have the right to access to the RTI and can demand information of their interest at public agencies.

Local coordinator for the program Shobha Dahal said that participants were also surprised to know that public agencies are obliged to provide information to normal citizens under RTI Act.



RTI App orientation in Kathmandu at June end

Similarly, in the next program conducted among social studies teachers from public and private schools of eight districts in Gandaki Province on June 20, one of the participants Rupa Ghimire said that the program was very helpful and full of information. "I will share today's learning among my students as well as in the community", she added.

In the program held among 22 teachers, Krishna Bahadur Godar also shared that being a social studies teacher the program was very useful to know about RTI and its practices at local level. FF's general secretary and RTI expert Dharmandra Jha described different levels of information requests. He also answered queries of the participants during the program. The program was coordinated by FF's representative in Gandaki Province, Rajan Upadhyay.

The third orientation was held among 19 students of Texas International College in federal capital Kathmandu on June 21. Students of Journalism and Social Works participated in an hour-long virtual orientation. Local coordinator and Freedom Forum representative in the Kathmandu Valley, Ashok Dahal briefed students about the importance of RTI for the citizens and students. He also shared the process and seeking information from the public bodies using the RTI App developed by FF. RTI expert Sanjeeb Ghimire shared the variety of issues relating to the RTI.

At the program, participants Samir Dhungel and Birajan Pokhrel shared their struggle from a public body to get the information few years back. Expert Ghimire also made the students clear about the process and ways of writing RTI application, complaint and appeal and its deadline using the App.

Participating students expressed commitment of using the constitutional right to get the information in the days to come. The participants were also made familiar with the use of App asking those to download during the program. They were also asked to read the legal provisions, see sample of request forms before seeking information at local level.

The fourth RTI App orientation was held at Babarmahal, Kathmandu, for the lawyers on June 30. The orientation on RTI was provided by RTI expert and senior legal practitioner Rammaya Lamichhane. The orientation was coordinated by Pramila Kayastha. During the orientation, the participants were provided orientation on RTI principles and practices and use of RTI Nepal App.

During the orientation, some participants shared the hassles they faced while exercising RTI. Most of the participants said although they had known about the RTI principles, they got opportunity to learn about the RTI Nepal App, which they believe, would help facilitate in their profession. The orientation was attended by 20 persons.

# Circulation of Open Budget Nepal Survey 2019

**A**s Nepal has regressed on Open budget Index as shown on latest survey report published by the International Budget Partnership's (IBP), it was utmost essential to maximize the reach of the report. A survey report utility depends on how validated the study is and how rigorously it is circulated. Report audience depends on survey type and volume. Budget transparency survey has utility from top tier of government, elected members of parliament, other governmental institutions, civil society organizations and every citizens of the country as well.

With the aim of drawing government attention to this report and hope survey recommendations would be useful for the government to initiate reforms in budget processes and policies when the executive is presenting federal budget in the parliament, Freedom Forum has circulated the Open Budget Nepal Survey 2019 (Both Nepali and English Edition) to the officials including Mr. Yuvraj Khatiwada, Minister of Finance, Secretary Mr. Shishir Kumar Dhungana, National Planning Commission, Office of Auditor General, Financial Comptroller General Office, Public Expenditure and Financial Expenditure Secretariat Nepal offices. With this, vital policy level and executive offices could view the findings as well as look into the recommendations.

Furthermore, it is delightful to know that NPC Secretary Mr. Kewal Prasad Bhandari has already presented OBS 2019 report with internal presentation from Vice Chari of NCP to members. Meanwhile, Mr. Gopi Mainali, Secretary of FCGO also has circulated OBS 2019 internally to whole office. Likewise Mr. Madhav Adhikari of OAG Nepal circulated OBS 2019 report across the board of policy level (secretary level) throughout the office of AG Nepal amid the lockdown during pandemic via scanning and mailing as physical copies that we circulated wasn't viable for circulation. While the executives plan for reforms and policies, the advocacy is needed in parliament by the elected members. Each lawmaker has the duty to discuss these reports, findings and what reforms can be contemplated for the change in the floor of parliament.

Moreover, the OBS 2019 was circulated to Mr. Rajendra Phuyal, Secretary at National Assembly, Honorable Krishna Prasad Dahal, President of Finance Committee under the

## Nepal drops to 41 from 52

Nepal has regressed on Open budget Index as shown on the latest survey report published by the International Budget Partnership's (IBP). Transparency Index has dropped to 41 in 2019 from 52 on 2017 on Open Budget Survey (OBS) – the research instrument using internationally accepted criteria to assess public access to central government budget information, formal opportunities for the public to participate in the national budget process; and the role of budget oversight institutions such as the legislature and auditor in the budget process. This survey is based on a questionnaire completed in each country by independent budget experts: Taranath Dahal and Krishna Sapkota of Freedom Forum for Nepal. This survey finds that Nepal has decreased

the availability of budget information by failing to publish the In-Year Reports (Quarterly Economic Bulletins) online within three months of the end of the reporting period, failing to publish part of the Year-End Report (Annual Progress Assessment Report-2017-18).

With the view of drawing government attention to this report and its recommendations which would be useful for the government to initiate reforms in budget processes and policies; at a time when the executive is presenting the federal budget in the parliament on May 28 (14 Jestha), we, Freedom Forum, have circulated the Open Budget Nepal Survey 2019 (Both Nepali & English Edition) to following Government Personals, Appointees and Elected Officials.

House of Representatives, Bharat Kumar Shah, President of Public Account Committee, Roj Nath Pandey, Secretary at the parliament. Along with this, every member of Public Accounts Committee and Finance Committee of the House of Representatives were handed copy of OBS 2019 Nepal Report in both English and Nepali so that discussion on committee meetings could enhance the findings and action on recommendations.

Journalists and media are one of the essential parts of any report dissemination as they can reach to larger audience via print, visual, online or airwaves. Keeping this in view, Freedom Forum organized a web meet via zoom on May 26 with economic journalists of some leading media of Nepal to share and discuss the findings and recommendations of survey report. The OBS results assessing budget transparency, citizen participation in budget process and strength of oversight agencies on budget were discussed in view of Nepal's federal budget presentation in the parliament on May 28. Along with this, editors from 23 media houses (9 Print, 3 Visual and 11 Online News Portals) were personally circulated the report

via mail in both Nepali and English medium. In effect, news and opinions were published in multiple print media and online portals.

Advocacy is the act of pleading or arguing in favor of something, such as a cause, idea, or policy with active support. Leaders of civil society organizations whom are collectively advocating for the changes for people to effect change in the society are essential to voice the cause. Thus, chiefs of 17 CSOs were provided the report via mail amid lockdown to bring out maximum engagements and enlighten them about the OBS 2019 findings and other aspects.

Moreover, internet being the widest range of engagements and coverage, Freedom Forum produced 3 podcasts (one for Global OBS and Two for Nepal OBS) and circulated podcasts across various podcast platforms as well as on YouTube channel and official Website page. i.e. <http://freedomforum.org.np/podcast/> and Freedom Forum also circulated these on official Twitter and Facebook pages. Two podcasts for Open Budget Survey Nepal 2019 were recorded and published on English and Nepali Audio so that it would have maximum reach to the audience.

# Journalists share bleak picture of Nepali media in Covid-19 crisis

## Time to protect journalists to save journalism

**N**epal has enforced lockdown to contain COVID-19 since March 24. Most of the sectors have been badly suffering due to the stay-at-home order. Many media houses are closed down while journalists are facing tough time to continue profession. The journalists are facing both financial and health risks.

However, the role they have played to keep people informed in this crisis is admirable. In this connection, Freedom Forum organized a Zoom meeting with its representatives from seven Provinces including the Kathmandu Valley on May 16, 2020.

Opening the program, FF Executive Chief, Tarannath Dahal, said the program was organized to share the problems faced by journalists and know about the media situation in the provinces. At a time when every sector in Nepal, as in other countries, has witnessed unprecedented crisis, how media is coping up the situation is worth sharing. Views of the FF representatives would help seek measures to face the situation by assuaging personal and professional risks, he hoped.

### **Bikram Niraula, Province-1**

The local newspapers shutdown publication in the initial days by arranging official meeting among the editors after the market was shutdown. There were more than 30 local daily newspapers, most are now closed. They are showing dismal digital presence. In regard to FM, there are more than 100. But the hard news and bulletin are drastically declined. Although they are functioning, it is difficult to run more with limited resources.

After one of the journalists from Udayapur tested positive for COVID-19, others are afraid to continue their job. Most of the journalists are unemployed at the moment as there is no income. They can't pay their reporters. The initiative to perform medical checkup to journalists who reach public offices like hospital is being started. The mainstream media in this province are facing existential crisis. They have not been able to reporting by visiting rural places.

### **Rajan Singh, Province-2**

There is comparatively higher number of COVID-19 cases in Province-2. Recently, five journalists have tested positive for COVID-19. Most weekly newspapers are shutdown within the first and second weeks of lockdown. Radio stations have been doing good work in terms of reporting and informing people. The main problem is that the reporters and employees in FM and Radio have been migrating to their villages as they are unable to pay for their accommodation in the city. 60% journalists have been jobless in Province-2.

The local people also don't want to be interviewed as they are scared that they may contract the virus themselves. There is taboo around the relation between COVID-19 and journalists, now-a-days.

Another challenge is that there is not much safety equipment for the journalists in the media houses. The lack of sanitizers and face masks are additional problems. The lockdown itself has largely restricted the media persons' movement. There is not much reporting environment in the local levels.

Except coronavirus case, the news like development and corruption only make 10% of the coverage, as it is impossible to report other news. 90 to 95% of the print media have stopped functioning.

Those infected with coronavirus are provided poor facilities in hospital.

### **Ram Mani Dahal, Bagmati Province (out of Kathmandu Valley)**

Except Kathmandu Valley, all the papers have stopped- most declared closure, some hasn't yet. Although some media wanted to restart their work, sudden surge in coronavirus infection discouraged them to resume media.

To the best of my knowledge, most journalists have not received their salaries since December 2019. Since then the lockdown prevailed. There isn't much advertisement for the media, which makes it difficult for them to sustain.

The news and bulletins have drastically decreased, so there is just one sided flow of information. Actually, there is the need of reporting on all aspects relating to the crises.

In the initial phase, although the safety gears were given, basic facility has also stopped. That's why, the reporters fear collecting news as well. In the personal and social level, fear is deepening indeed. That's why they are reluctant to report now-a-days.

Local and Province governments are slow to react in terms of sharing all side information on the crisis. The government has been delaying payment to the media in relation to health related advertisement. Seeing the huge financial crises, the investors in present media may shift to online media.

### **Ashok Dahal, Bagmati Province (Kathmandu Valley)**

Print, Sale and Circulation of print media is at severe risk. As many as 502 weekly newspapers have also stopped publishing in the Kathmandu Valley alone. Only few dailies are publishing but in little content- pages cut down. The ones which are printing are also able to manage 8 to 12 pages. Minimal advertisement/revenue has hit hard the print media. Good practice is the Online Khabar news portal has made quarantine in the office space itself so they have minimal contact with the public and family members.

Retrenchment of staffs (unpaid leave) is likely to be adopted in different newspaper. To face the financial crisis, some media have kept few staffs and paid only 25% salary to the current employees. More than 50% revenue/advertisement decreased in media. There is prediction that if the lockdown continues for more time, 50% of the news agencies/media houses will close down.

The watchdog role of media will be in risk as the trend of hiding the mismanagement of the government on COVID-19 has been increasing. The government has forced the media houses to delete the news on COVID-19

mismanagement. Some are arrested for writing and others threatened. A journalist at Radio Nepal was arrested and threatened for writing Facebook post on a political leader.

Cyber bullying to the journalists who write about the government irregularities and mismanagement is increasing drastically. The journalists who are working are in vulnerable situation. They may be contracted the virus at any time. Journalists are also facing the challenge of misinformation and fake news. Lockdown has been an opportunity for the journalists to utilize IT for work.

#### **Rajan Upadhyay, Gandaki Province**

Almost all the media houses stopped publication of print editions and those who continue have reduced pages owing to difficulty in circulation. Few media have maintained their e-papers maybe for classification purpose.

Stringers are the most affected because most of those have lost their jobs. Reporters at national media too are forced to stay on unpaid leave. Few journalists who have to visit field and office are at risk of infection. Most of the media persons here use Zoom meetings for expert views, news reporting and international updates.

Obviously, like other sectors media is also facing huge financial crisis which has ultimate effect on staff's salary and revenue collection from the market as it is closed since two months.

#### **Sudeep Gautam, Province 5**

Currently, this Province has been an epicenter of COVID-19 with more than 110 cases in Rupandehi, Kapilvastu and Banke districts. However, no journalist has been infected till date. Following lockdown (March 24), all media houses stopped publication but lately almost half of newspapers (3) started their publication but with reduced pages. Radio stations have also decreased their bulletins.

Journalists working at radio stations prepare their bulletins at home and visit office to read news. On FoE violations, two medical practitioners were suspended from their job for posting on their social media pages. We, few journalists, here also prepared sanitizer and provided it to the media persons working on field at reasonable cost.

#### **Laxmi Bhandari, Karnali Province**

The Province has not detected any positive case for COVID-19 till date. But, more cases of

press freedom violations were recorded during the period of lockdown as compared to other provinces. Some 150 media houses are closed in this Province now. Like other provinces, media here are facing tremendous financial problems. Some friends are even planning to change their profession at this time.

#### **Min Bam, Sudur Paschim Province**

Print media are must suffered. All print media are closed down, but 70 FM radio are still in operation. There are no safety materials to journalists. Although few media have resume business again, they are having a hard time to sustain. Most journalists here are reporting to Kathmandu centered media, and as the lockdown is prevailing more in Kathmandu, they are having a hard time to sustain. Small media are facing problem even to office rents. Seeming poor status of media, some local levels also provided food stuffs.

Summing up the event, Executive Chief Dahal thanked the participants and pointed out the need of collective efforts to stay safe at personal level and continue the profession in the crisis. "Journalism has important role in crisis. And to save journalism, journalists must be protected," he stressed. 

## **Podcast around COVID-19 Pandemic**

**I**t is evident that podcast has become globally popular to reach the larger audience. It is convenient for use. Utilizing the platform, Freedom Forum (FF) has also been producing podcast on various contemporary issues surrounding freedom of expression, free press, journalists' rights, right to information, citizen's participation, and lately the problems created by COVID-19. It has been more than a year FF producing podcast in the name of Freedom Chautari.

While talking about the last three months, 16 podcasts were produced and broadcasted. In this period, owing to novel coronavirus, lockdown was imposed in the country since March 24. It left huge impact on all sector including media. Most of the podcast editions were therefore focused on pandemic and its impact on many aspects of media.

Among many issues, how the citizen's right to information is hindered is one. In this regard, the National Information Com-

mission (NIC) had drawn the attention of all public bodies to compulsorily make their information available to public and the information seekers. The NIC had issued a statement at the time when all public bodies were panicked over COVID-19 lockdown and curtailing the service delivery. However, the circular issued by NIC could serve as strong reminder to the public bodies to not take pandemic as excuse to share information of public importance.

Another podcast which got highlight was on freedom of expression and civil rights during pandemic. On this issue, discussion was held on growing number of violation cases after enforcement of lockdown in Nepal surrounding COVID-19 pandemic. Journalists were threatened and obstructed while reporting and also civilians were detained for their critical social media posts. Worryingly, Nepal recorded more number of press freedom violation during the lockdown.

On the occasion of the World Press Freedom Day, FF as it does every year published report on the status of press freedom violations which

shows the real scenario of Nepal's press freedom situation- both in practice and policy. On the basis of the report, a podcast was devoted on it.

Likewise, podcast about corruption and public accountability also got popularity. This episode focused on corruption. The general public has been hurt more by the corruption in public bodies during the adverse situation of COVID-19 pandemic.

Other episodes were journalists safety in a global pandemic, Nepali press under state surveillance, open budget surveys and its finding, Covid-19 lockdown, in the epidemic: rule of law, justice and human rights, free press more important in the crisis, review of the policy and government budget, internet development and role of internet, and COVID-19: open response and open recovery. 

# NIC directive to governments on COVID-19 related activities

In the wake of the growing menace of COVID-19 in Nepal, the National Information Commission (NIC) has issued a directive, urging the governments of all three layers and the public agencies to adopt transparency on every activity conducted around the prevention, control and treatment of COVID-19.

Freedom Forum welcomes the directive as it has stressed on building informed people and transparent public agencies and society in the crisis, which is a huge concern for all. FF has also translated the directive from Nepali to English, which is as follows:

In accordance with Section 4 (Sub-section 1 and Sub-section 2 (a) (b) and (c)) of the Right to Information Act, which states- respect and protect right to information, publicize information from time to time and ensure citizen's access to information, the public institutions should be open and transparent. Therefore, whether it is to control Coronavirus infection, treatment and the distribution of relief materials, information about these with related decision, procurement and distribution should be made public. It would also be helpful to the government employees to save time on public disclosure of information. However, according to Section 19 (a) (b) and (c) of RTI Act, 2064 (2007): this directive made by NIC meeting held on Jestha 6, 2077 (May 19 2020) should be implemented via Nepal Government's Chief Secretary, Province Government's Chief Secretary and local level Administrative Officers.

1. Nepal government, Province Government and Local Level Government should make public the information about the activities which are intended to control the crisis of Coronavirus and the relief materials.
2. System be made transparent on the procurement of equipment, health materials, services and medicines by the Nepal government, Province Government, Local Government and health related institutions.
3. Publicise information on the citizens who are hospitalized at the health facility/institution constructed by government and non-government organizations.
4. System be made to publicize the information about the distribution of relief materials during lockdown by Nepal government, province government and local levels. For easy access, ensure electronic record.
5. Inform both vendor and citizens about the place, time and rules on buying and selling of essentials materials.
6. If a separate program is brought for the people including Madhesi, Tharu, Muslim, oppressed classes, backward classes, minorities, marginalized, farmers, workers, youth, children, senior citizens, gender and sexual minorities, persons with disabilities, pregnant women, disabled or helpless, backward classes and economically disadvantaged Khas Aryans, information about such programs should be made public.
7. The details of the relief funds established by the Government of Nepal, the Province and the local levels are being made public. Therefore, clear procedures and guidelines for the operation of such funds should be prepared and the details of deposits and expenditures be made public timely and compulsorily.
8. Make arrangements to contact the Information Officer of Government of Nepal, Province Governments and Local Levels and related bodies through email, viber, mobile and other means at this time.
9. When it is being decided to adopt relaxation in the lockdown, or even if the lockdown is lifted, it is not possible to fully open until a drug or vaccine of corona virus is available. Therefore, all types of

local media should be used to make people aware on do's and don'ts to prevent themselves from the Coronavirus.

10. Give proper information about travel to the citizens who wish to return Nepal.
11. Bring in function the agencies constituted under the Monitoring Guideline on Right to Information Implementation, 2076 such as the Central Coordination Unit, Implementation Monitoring Unit, Province who will be responsible to regularly monitor the exercise of the right to information and make its report public and also make arrangements to report to National Information Commission as well.
12. Make necessary arrangements to ensure health of the mass media workers and RTI activists who need to regularly visit public bodies to collect the information and disseminate it to the general public.
13. In the course of disseminating the information, public bodies may provide personal information which may have tragic consequences in the future; therefore, sharing personal health and sensitive information prohibited by Article 28 of the Right to Information Act, 2064 should not be shared.
14. If there is any misunderstanding about the management of the dead bodies (caused by the Coronavirus), such misunderstanding needs to cleared and clarified. Also, the information related to the preparations made regarding its management should be made public in a way that the general public can understand.
15. Make maximum use of local language and media to disseminate relevant information about the precautionary measures against the COVID-19.

Make arrangements for each public body to include the aforementioned information in their publications every three months as required by the law. 

*Continued from Page 1*

Sunita Rawal, Prakash Bam and Chakra Kunwar were dismissed from their job without prior notice and explanation. Three of them were called at the Radio Broadcasting Service Development Committee on August 19 and informed about their dismissal verbally without any explanation.

The Prime Minister has repeatedly discredited and demoralized media and its role. Those against free press are encouraged and stoked with such anti-press views. Recently, he accused the media and social media users of acting against stability and development in Nepal.

## IMPUNITY

Although very late, the efforts made to reduce impunity relating to crimes against journalists must be welcomed. Once the authorities concerned pay such attention, rest of the cases on crimes against journalists could be addressed gradually. Nepal Police arrested murder convicts of two journalists killed in the past period to which FF believes would certainly provide morale boost to the working journalists for continuing the profession despite adversity.

The main accused Bam Bahadur Khadka in the case of journalist Dekhendra Raj Thapa was arrested. Among four accused involved in the murder, fugitive Bam Bahadur Khadka, a resident of Chedipusakot, Dullu Municipality Ward-6 from Dailekh district was finally taken into custody. This order was given by the District Court after the District Police Office Dailekh brought Khadka before the court on 3 March 2020. Local reporter to the Radio Nepal, journalist Thapa was abducted and subsequently killed by the cadres of then Communist Party of Nepal (Maoist) on 10 August 2004. He was abducted from Chhanna Bazar of then Bhawani Village Development Committee on June 4, 2004.

Similarly, after 12 years of the incident, Nepal Police arrested the convict Narendra Kumar Faujdar (Kundan) from his own residence at Baragadhi Rural Municipality, Bara on March 7, 2020. Journalist Birendra Saha was a reporter with Avenues TV, Dristi weekly and Nepal FM. He was first abducted by the cadres of the then rebel Communist Party of Nepal (Maoist) on October 5, 2007 from Pipara of Bara district. Later, journalist Sah was found dead at then Dumarwana Village Development Committee, Ward No 7 of the same district after a month of abduction on November 8, 2007.

However, the justice is awaited both in the conflict era case of Dhan Bahadur Magar, and the post-conflict cases of JP Joshi, Jamim Shah and Devi Prasad Dhital. Conflict era

cases should be addressed by the transitional justice mechanism. Efforts to weaken the role of Human Rights Commission and Judiciary have direct impact on the impunity relating to crimes against journalists. Delayed hearing on the petitions on FoE and journalists rights is worrying. Since 2008, Freedom Forum has been continuously prodding the political leaderships, lawmakers, police administrations and judiciary to address the pending cases for ending impunity and catering justices to families of the slain journalists.

## LAW/POLICY WATCH

There are not any significant changes in law and policy since we reported last time at the end of 2019. Both in the federal and provincial levels, conservative and haphazard approach are adopted in making laws and policies relating to press and information. There are no new acts in the federal level. But, different media related laws are in making while few are under consideration in the parliament. Those under consideration in federal parliament are Media Council Bill and IT Bill. Similarly, those under draft process in the federal levels are Mass Communications Bill and Public Service Broadcasting Bill. Government grip is evident in the structure to be formed under these laws; media content regulation is under executive control which kills free flow of information and hampers journalistic profession.

Meanwhile, the Nepal Special Service Bill to amend and integrate laws relating to the constitution and operation of Nepal Special Service Act is a matter of concern for it mentioned that intelligence agencies can directly monitor or intercept calls and conversations by merely getting approval from the department head. This provision not only encourages highhandedness of State agency but also ruins journalists' rights to free reporting. Investigative stories in journalism would die at the hand of such provision.

Province 3 passed RTI Act by defiling the provision of independent institution to look after RTI but just as branch of ministry. Although federal law has acknowledged political parties as public body, it has contradictory provision. The Broadcasting Acts brought in Province 5 and Karnali Province have also shown government hold. Government's interference on content regulation is established there. Institutions to be formed under the Act are also under government control. Under consideration is Radio FM TV Bill in Far West Province Assembly. The draft of Mass Communication Bill is in making in Gandaki Province. Both have similar control oriented features.

A media directive in judiciary which is also in making has the provision that media is allowed to carry only 'authorized information'. It gravely

ignores whistleblower provision of RTI Act and discourages investigative reporting in judicial sectors. As stated previously, no initiatives were taken to amend the restrictive provisions on the Criminal Code and Civil Code. Although the parliament asked the government to revoke the Online Media Directive, it is yet to be annulled. The voice for changing state owned media (Radio Nepal and Nepal Television) to public service broadcasting has been grossly ignored.

## TREND ANALYSES

Blaming, discrediting, and making virulent verbal attack and threatening journalists and free press have further escalated. As even the top leadership in political parties, especially the ruling one, is showing severe intolerance, other State apparatus are encouraged to follow the suite. It is resulted in belittling of the role of free press in democracy, panicked journalists and fomented efforts to control information regime.

Prioritizing government media and discrediting private media have alarmingly increased. The journalists from private media are not allowed to the office of the President and the Prime Minister, thereby dividing media and journalists.

As the political disputes emerged lately dominating the State affairs, the democratic space is largely shrunk, where free press is suffering. The tussle within the ruling party over leadership mismanagement created vertical division among their cadres and leaders fomenting factions which are resulted in mounting intolerance to news and media reports. Electronic Transaction Act is a continuous source of journalists' suffering since its enactment. Anyone intolerant to free media are invoking it randomly and harassing media persons. With increasing number of internet-based media and their quicker visibility and immediate impact as compared to the print media, the journalists working in internet-based media are more vulnerable. Issuance of public threat to reporters via social media (Facebook) is another new trend.

Although it is natural to have additional sensitivity, precaution and preparedness in view of the COVID-19 pandemic, the government's coordinated efforts to hide information draws huge concern. Similarly, growing intimidation-threat to and arrest of journalists and media houses- in the name of spreading rumour and 'fake news' is another worrisome development.

Alleging journalists of spreading rumour was rife this year especially while exposing the weakness and mismanagement on the face of COVID-19 crisis. Together with undue pressure on the reporters was built in a bid to control media and journalists. It signals threat to press freedom.

In the wake of stay-at-home order enforced to contain the spread of COVID-19 in the country, thousands of media were disrupted, thereby relieving journalists of their job. It has not only resulted in the financial crises but also badly shrank the information regime.

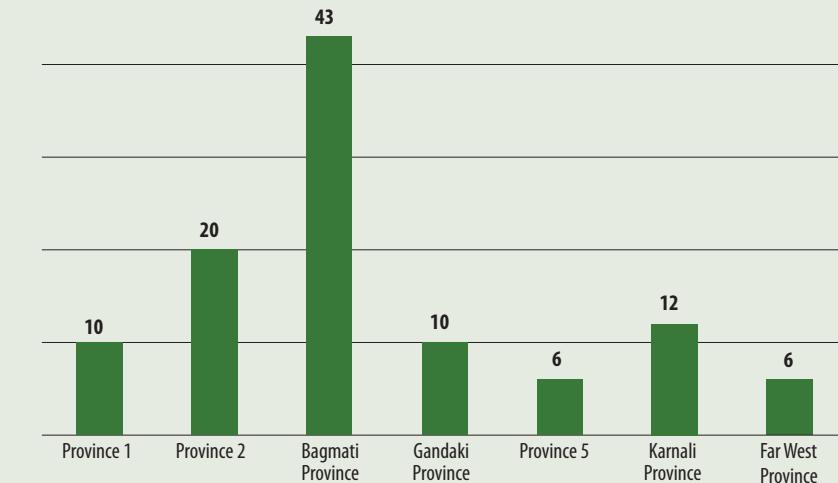
State-owned media are misused for guided flow of information. At a time when the voice has been raised over decades to change the State owned Radio Nepal into the public service broadcaster, misuse of these media for the admiration of ruling party is a serious setback on the constitutionally-guaranteed right to free expression. This Radio Nepal case reflects growing interference of government and has disrespected the editorial freedom, which is not only against constitution but also detrimental to broader democratic values. Ironically, the State which should ensure protection of fundamental right to freedom of expression has been engaged in infringing the democratic exercise of the right.

Sustainability of media and journalist's financial safety are suffering much for the journalists favouring government are protected and promoted while those making healthy criticism and belonging to different political faith are expelled without reason. It has vertically divided the journalists thereby controlling every media by the political thump.

One of the horrible trends this past year was that the ruling party gathered the journalists near them and administered the oath treating them as their political cadres. It is essentially step ahead to capture media with party politics. With increased tussle in the political parties and leadership, the number of civilian and journalists are hassled and threatened based. The dispute in political leadership resulting in hostility to journalists warrants equal concern.

Mobilization of group of people to belittle and castigate the journalists and critics who have differing views to government activities is horrible trend that is violating journalists and silencing citizen's voice. Council must not act arbitrarily; it has not specified any methodology or type of content as misinformation. Yes, it is rightful body to monitor the content while in the name of monitoring content, blocking media is deplorable. Also, in the name of misinformation, journalists must not be panicked and media controlled. Though Press Council is the rightful body to monitor media contents and is eligible to ask for clarification to concerned media, its random act to block news portal is deplorable. Banning online news portals is unconstitutional as Nepal's constitution itself guarantees rights to free press and freedom of expression. Blanket approach adopted to block the sites will suppress the freedom of expression.

### Violation as per Province



### Press Freedom Violations over a Decade



### PROJECTION AND NEED

In the wake of the political dispute, and global crisis of COVID-19, free press is to suffer more in the days to come with weak media economy. The journalists and media houses will see tougher days to save journalism in the wake of surveillance. They therefore need to equip themselves technically and technologically to avoid surveillance. Journalists' capacity building with digital skills is must to minimize rising digital threats.

As harshness is growing from the State apparatus in the name of stability, journalists are in need of additional physical, and professional safety to investigate the corruption, crimes and irregularities. The misuse of this problematic Electronic Transaction Act is likely to grow in the tough time. Therefore, unified voice from all the concerned stakeholders against this needs continuity.

Free press stakeholders and freedom of expression defenders should be together and work in

unison to stay away from the 'guided information and misinformation' that is highly likely to come with sheer abuse of state agencies targeting and tarnishing the role of free media in democracy. Journalistic ethics in media/journalists is must to avoid equally essential to keep intact the influence of media to bring positive changes. Active and continuous advocacy for the FoE, free press and journalists' rights is imperative.

In the wake of the weakened media in the face of COVID-19 pandemic, broader discussion and collaboration among the media fraternity and FoE and information advocacy group is essential so that media presence would be restored and free press augmented for well functioning democracy.

Note: For more information, please read violation stories and media reports, visiting Freedom Forum websites: [www.freedomforum.org.np](http://www.freedomforum.org.np) & [www.nepalpressfreedom.org](http://www.nepalpressfreedom.org)

# FF manages insurance to online journalists

Mid increased infection of coronavirus and deaths caused by it in Nepal, the journalists working actively to inform public have also felt unsafe. At a time when hundreds of media are closed resulting in thousands of journalists rendered jobless and several unpaid with the financial instability of media, journalists, who are still in profession facing hardship, have sought cooperation for their safety and media sustainability.

Bearing it in media, Freedom Forum has managed insurance to the journalists affiliated to the Online Journalists' Association. The Corona insurance of Rs 100 thousand is ensured to each journalist with the Association.

Freedom Forum provided the fee for the insurance. Shikhar Insurance arranged the facility for it. The Association has expressed happiness and extended thanks to FF for this help at such hour of crisis. "Association members have felt relief and the insurance helps boost our morale," it added.

Nearly 2800 persons have been infected and 11 persons lost their lives to the COVID-19 till



*A health worker wearing a nasal swab to take a sample from a journalist to test for COVID-19 coronavirus in Kathmandu. Photo (APF).*

date (4 June) in Nepal. The infection rate has grown exponentially in the recent weeks. More than half dozen of journalists are suffering the coronavirus infection.

Nepali journalists are in desperate need of help owing to the spread of COVID-19. Their day to day reporting, producing/disseminating of

news has been badly affected, thereby depriving citizen of their right to free expression and information. Health, financial and professional securities of journalists must be ensured at present so that journalists would be safe and journalism survives there. Any democracy without journalism can not be functional. FF effort of insurance is a help in need. 

## Cooperation needed to save journalists and media in crisis

With five journalists tested positive for coronavirus in Nepal on May 12 and 13, fear ran high among the fellow journalists and media houses. According to Freedom Forum's representative in Province-2, Rajan Singh, the five journalists are from Birgunj and Janakpur cities. Birgunj is the trade and transit route and business hub while Janakpur is the religious city- both in the southern plains. They lie in Province-2.

Nepal had witnessed the first case of coronavirus in January while the second and third in March. With the exponential growth of infection in the recent days, the total positive cases of COVID-19 have reached 249.

The virus infection found in journalists has deepened fear of further spread. Many journalists, especially reporters, are worried much about their health condition and in need of safety materials. They have been also demanding tests on them as well.

As the lockdown enforced since March 24 to contain the coronavirus in Nepal had already limited the journalists' movement and declined reporting coverage, the infection in journalists has further heightened fear, which is to result in severe decline in reporting, thereby depriving citizen of their right to information.

The media have been severely dented as are other sectors in the wake of the growing cases of the coronavirus- tens of hundreds of media are closed; many papers stopped publication;

many others have cut down pages, faced dearth of advertisements.

Nepali media, especially the community media and small media, are now at the receiving end of COVID-19. At a time when journalists, working in the forefront, have themselves been tested positive to the virus, it undoubtedly mounted fear in entire media. The government should ensure the early tests among the journalists willing for it and proper treatment and distribution of safety gears. Similarly, efforts to save media in crisis are equally important. Collaboration and cooperation among the stakeholders working for journalists' rights and safety, and government bodies are must to assist journalists and retain the active role of media in this hour of crisis. 

# Challenges for PIR journalists during COVID-19

Journalists reporting on public interest issues have shared the problems they faced in the wake of COVID-19 lockdown. In a Zoom meeting with Freedom Forum on May 14, reporter with Annapurna Post, Shiva Upreti, expressed that the pandemic of COVID-19 has become a new threat to local newspapers as the publications have shut down in Gorkha. This crisis has piled pressure on the local newspaper industry at all levels. Similarly, reporter with Nagarik daily, Shivahari Ghimire, informed that the newsroom meeting has now turned into virtual ones. "We are not getting the back up as we used to get before. Nowadays, maintaining social distancing in the wake of lockdown, we are not able to communicate with people easily to deliver an authentic news story," he added.

At the same time, the pages of the print media have decreased. The race for the placement of news story is very challenging. With the reduction of the pages, even the stories of public interest are sidelined. "The tussle between the health workers and journalist is another reason of concern. The health workers are somehow technical in the field whereas journalists are simple and clear. It is tough to convince them with simple explanation. They need to be flexible in this critical situation. The technicalities of the health workers creates further confusion," said Rama Luitel from Himalaya Times daily.

Similarly, editor with Nuwakot Jagaran daily Shiva Devkota pointed out that the health of the health workers is more important. So, they

need to be encouraged to combat the spread of coronavirus.

On the occasion, Chief Executive at FF, Taranath Dahal, shared that although online media are coming fore in the pandemic; eventually the advertisers will go back to print media. It is the most crucial time and the reporters can cover more public interest issues. Journalists should maintain utmost safety and reach to people and cover issues on budget allocation to local levels, quarantine status and rehabilitations. The zoom meeting was held on 14 May 2020 as part of the program "Civil Society Mutual Accountability Project (CS: MAP)" with the support of FHI360. It was attended by 10 participants. Out of 10 participants, there were 2 females in the event. 

## CSOs stress on OGP dialogue, practices

The current COVID-19 pandemic is challenging for civil society too but it can offer new opportunities for them, states Executive Chief at Freedom Forum, Taranath Dahal. According to him, the watchdog and humanitarian role of civil society should be kept intact. The governance openness during the time of crisis and pandemic is more important than in normal situation. Hence, the issues of Open Government Partnership are not only the issue of CSOs but also of government. The public procurement policy and practice is not transparent and competitive as it needs to be at such time. Similarly, he stressed different pillars of OGP that should be practiced during the time of pandemic.

Policy and Legal Advisor of FHI360, Tanka Aryal, questioned about the fund raised by the government, which has not been utilized yet. He suggested that CSO along with the media and institutional mechanism should join hands in this crisis. The oversight, watchdog, and facilitation role of CSO is recognized to some extent in Nepal mainly in service delivery. Though, the government is not endorsing the co-creation role of CSOs.

Chair of the National Campaign for Sustainable Development, Dayasagar Shrestha, stressed that Covid-19 is not only a health related crisis, but it is a genuine threat for practicing democracy and governance. The pandemic is equally affecting the migrants' workers, vulnerable and exclusionary groups. Although the government in Nepal formed a high-level coordination committee on control and prevention of COVID-19, it did not consult wider stakeholders while conducting meetings and making decision.

Policy Advisor at FF, Krishna Sapkota, stressed the need of freedom of association, freedom of assembly, and freedom of expression as necessary elements of current governance which obviously are major issues of OGP. Open response and Open recovery has become core principles, the aim of co-creation in building trust and confidence during COVID-19. Open Budget Survey results have been decreasing the status of Nepal. Sapkota also mentioned access to information, open contracting, open budget, citizen engagement, and asset disclosure about COVID-19. However, Country Manager at Saferworld Nepal, Ashim Pandey, underscored that we need to be self-critic as a CSO. We are quite confused on our role. Mainly, after the election and three tiers of government, CSOs are losing their visibility. Pre-election, the role of civil society was clear

and visible in governance including service delivery. Today also, the public is expecting the same. He felt like post-election the role of CSO needed to be reframed. The co-creation agenda of OGP is still lacking somewhere. Therefore, we need to discuss it further even during the time of crisis. Executive Director of Accountability Lab, Narayan Adhikari, focused on generation of synergy via OGP stakeholders. He also urged the flexibility among donors. Review of the existing policy framework of Nepal is needed in regards to OGP, accountability, and transparency, he added.

Executive Chief Mr Dahal concluded the meeting asserting that different policies were being made in different democratic countries in order to legally address the pandemic situation. However, in the context of Nepal, nothing such has happened. He urged that institutional mechanisms like NHRC, NIC need to be more active, we need to collaborate with them for better understanding and proper dissemination of the information in this situation. The Zoom meeting was held on 29 May 2020 as the initiative of Freedom Forum initiatives. It was attended by 10 participants. Out of 10 participants, there were 2 females in the event. 

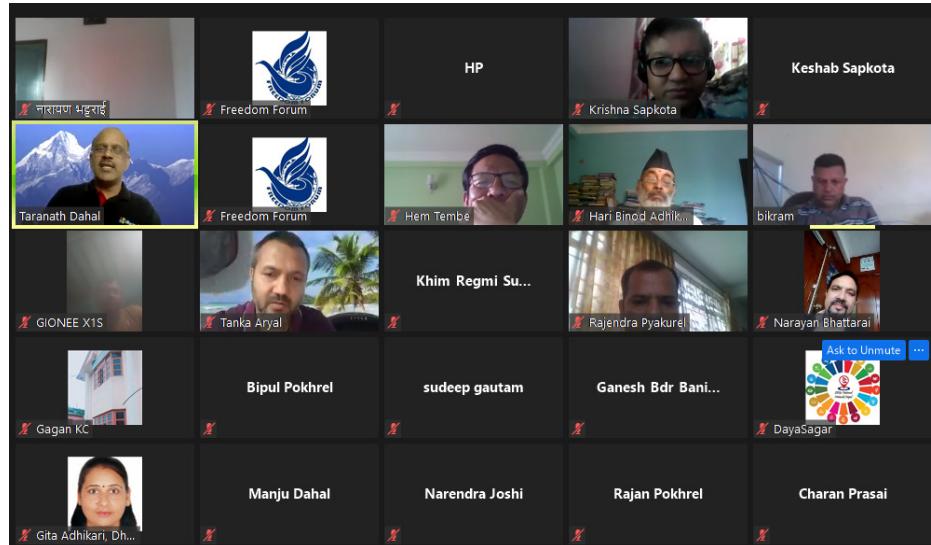
# Mutual Partnership Key to Open Governance

Freedom Forum brought together representatives of CSOs and media to put forth the agenda of openness in different sector of governance such as Open Budget, Open Contracting, Right to Information, Anti-corruption, Accountable Institutions, among others on Open Government Partnership (OGP) stakeholder workshop held on 28 June 2020. The main objective of the workshop was to bring CSO's concern and voice together for open government and set the priorities and future. It also aimed to emphasize the issues of transparent and accountable government during the time of pandemic. Moreover, this workshop targeted to reshape the ongoing OGP community mapping, connect different civil society leaders, and open governance champions to discuss areas of mutual interest and reinforce collective voices around open government in Nepal.

Key contributors of the workshop raised different issues related to the OGP and its rationale, principles, structure and mechanism, practices of OGP in general along with Nepal's eligibility and performance on OGP. Similarly, the idea of open response and recovery was urged during the time of pandemic along with government and CSOs partnership. Speakers highlighted the full-fledged execution of right to information obligation and added how proactive disclosure with reference to such pandemic could benefit public in their daily lives. Some speakers stressed critical media empowerment for the state of openness in governance that needs media and CSO collaboration. Other contributors discussed open justice, open budget, open government data, open contracting, open parliament, OGP and SDG, civic space and engagement among others.

Policy Advisor at Freedom Forum, Krishna Sapkota, delivered the glimpse of OGP by sharing his presentation and perspective. He then presented in detail the rationale, principles, structure, and practices of OGP in general along with Nepal's eligibility and performance on OGP.

Emphasizing the Open Response and Open Recovery, Tanka Aryal stressed that CSO and government should work together openly even in the time of pandemic but it did not happen today. After facing some disaster and pandemic, to get back to the situation from the worst to normalcy, collaboration is must that generally denotes the open response and open recovery is, he added.



Having said that Right to Information as an important tool of OGP, Dharmendra Jha and Bishwajeet Tiwari showed the link between the openness and RTI to ensure the transparent and accountable environment in all three tiers of government. They even underscored the restriction made by government in the time of pandemic. They added how proactive disclosure with reference to such pandemic could benefit public in their daily lives. Showing the perspective of the media in reference to OGP, Vice President of Federation of Nepali Journalist, Bipul Pokhrel stated that openness is one of the major themes of democracy. To empower the media, is another word to ensure the state of openness in governance. Impactful open governance needs critical media and CSO collaboration.

Focusing on civic engagement, comprehensive peace, open justice and SDG 16 Dayasagar Shrestha, Charan Prasai and Hem Tembe urged for openness in every sphere of governance and state affairs. They showed the concern about shrinking civic space and fundamental freedoms. They felt lobbying needs to be done to make guidelines to support government and localize SDG and open government concept. Talking about the legislative openness, Dila D Panta questioned the openness parameter, which has been decreasing in Nepal.

## Key Strategies and Way Forward

Beside the discussion on OGP issues, the workshop also identified the strategies and way forward for openness for upcoming days. Major strategies among varies are as follows: Demand side activism – right to information, follow the money, expenditure tracking and practices

of social accountability tools from demand side and their engagement is must for open response and open recovery. CSO coalition and readiness- Assessment of readiness, building thematic working groups and dialogue among aligning the interests is major area of intervention. Continuous Advocacy must for expanding Civic space OGP membership and replication of OGP concept at local level. Collaborative dialogue: Among CSOs, governments and parliament help to ensure open governance in practice. Mainstreaming openness efforts: Several openness promotion actions and initiatives are in place and it requires a collective and mutual effort to mainstream and highlighting these initiatives. Mutual collaboration among oversight actors: is must such as parliamentary committees at three-tiers of governments focusing Public Accounts Committee, CSOs working on several themes of openness and media. Facilitation for OGP local: Localization of OGP and technical skills transfer on sectors such as open budget and open data RTI to the local level is another area of intervention. For this Transparency data portal: Engaging local government's actors will be beneficial. Peace building and open justice: This issue has been ignored in CSOs and media fronts so this should be highlighted in the CSOs and OGP forum. This should be made a separate theme in OGP working groups and discussion.

The Zoom workshop was moderated by Sanjeeb Ghimire, Project Manager at Freedom Forum. It was held as part of the "Civil Society Mutual Accountability Project (CS: MAP)" with the support of FHI360 and attended by 51 participants. Out of 51 participants, there were 11 females in the event.

# Findings of Action Research Phase II

Different activities regarding action research on the Socioeconomic Impacts of Citizen-State Engagement- Phase II was conducted by Freedom Forum (FF) in Bagmati Rural Municipality, Dhangadi Sub-Metropolitan City and Amargadi Municipality in February and March 2020. It was undertaken by FF as part of the 'Sustainable Use of Technology for Public Sector Accountability in Nepal (SUSASAN)' – a project implemented in 12 local governments of Nepal with funding from Global affairs Canada (GAC). Centre for International Studies and Cooperation (CECI) is implementing the project in partnership with FF, Young Innovation, and Centre for Law and Democracy, along with six district-based civil society organizations. Following are the major findings of the second round of action research (phase II).

## 1. Users committee formation and mobilization

Most of the FGD participants expressed that that it was difficult to find members to form the committee because this represents voluntary service and time contribution. In some cases political and other personal disputes also delayed the formation of users committees. Through the FGDs, it was found that all of the users committees surveyed had followed the rules on inclusion in terms of their members. However, in practice, in most committees this was treated as a mere formality.

## 2. Users committees as vehicles for participating in the implementation of development projects

A majority of the FGD participants indicated that they were aware of the process for creating users committees, as well as the committees' roles and responsibilities. But they lacked technical and project management skills. Most of the local projects implemented by users committees focus on small infrastructure development. Most of the FGD respondents said that this was the main reason for late completion of local projects. Another was the fact that, in many cases, project agreements are initiated only 4-5 months into the fiscal year as opposed to at the beginning.

## 3. Local project monitoring mechanism and community participation

The Local Level Plan and Budget Formulation Guideline, 2017 includes various provisions and procedures for project monitoring and

*It was undertaken by FF as part of the 'Sustainable Use of Technology for Public Sector Accountability in Nepal (SUSASAN)' – a project implemented in 12 local governments of Nepal with funding from Global affairs Canada (GAC).*

evaluation. Palika level project monitoring committees are led by deputy mayors and vice chairpersons. The ward committees are responsible for monitoring projects in their wards. A separate sub-committee is also formed from among users to monitor the projects implemented by each users committee. Despite these mechanisms, monitoring is limited to "observation visits" rather than based on set indicators and check lists. A social audit is mandatory for all Palika grant projects, but it is practiced as a ritual activity rather than as a community participation tool.

## 4. Perceptions of local economic development and socioeconomic outcomes

More than 90% of the local development projects are infrastructure related such as link roads, gravel roads, water supply, and construction of religious places and so on. Although this infrastructure work serves a collective purpose, it makes only a limited contribution to directly improving the socio-economic conditions for WMGs. It is true that a link road may ease local transportation challenges but WMGs are less likely to benefit from this than other community groups.

## 5. Capacity needs

When asked what capacity building WMGs need to ensure that they can participate effectively in the implementation of local plans and policies, all of the participants expressed desire for capacity development programmes. When

asked about more specific capacity needs, they indicated that the procedures and documents required to form users committees and to release instalments were very complicated. So training was needed in this area.

## 6. Policies and guidelines for promoting community participation

The research noted that the majority of the local budget is allocated for infrastructure work. Nevertheless, these Palikas and wards also allocate funds to WMG specific projects and capacity building activities like trainings and exposure visits. KII participants stated that the proportion of budget allocated to these specific groups was fair enough in terms of the amount of resources local governments generate from internal sources and obtain through fiscal transfers from the federal and provincial governments. Basic needs are so significant at the local level that it seems rational to allocate most of the budget to projects addressing these needs.

## 7. Users committees as means of community participation

KII respondents had mixed views regarding the performance of the users committee. Most of them were satisfied with their performance. However, some of them indicated that there was a need to revise the system for implementing local projects through users committees. They were of the opinion that not all users committees were capable of managing larger projects.

# Webinar on Right to Information

With the aim of sharing perspectives and collecting feedback from all the SUSASAN partners on Access to Information during the emergency and importance of reliable information as well as the importance of RTI Nepal application, Freedom Forum organized a webinar titled: Webinar on Right to Information on 22 June 2020. All the partners from SUSASAN project were represented. There were around 22 individuals present in the webinar who were directly involved with the project. Major objectives of the webinar are: to impart knowledge on Right to Information practices in the wake of COVID-19, to encourage participants to use RTI to track local government measures to respond to COVID-19 and share and discuss about 'RTI Nepal' Application.

One the event, Chief Executive at FF, Taranath Dahal, highlighted the role of CSOs during the pandemic and how important access to information is at this house. Also highlighting the importance of RTI App developed by FF,

he added access to information, transparency and accountability are what the citizens seek from their government. Current protest against the government is one of the examples that government failed to maintain transparency in its activities. Though it should not have happened in this current situation following the COVID-19 protocol of safety but the public seeks accountable, responsible and transparent government. He underlined that the Right to Information plays a vital role to secure the nation and its citizen if delivered the right and valuable information to the public at right time. He argued that CSOs gain the trust of the citizen which is the key to the development of a country. CSO need to inform each and everyone about the RTI App.

Similarly, Krishna Sapkota highlighted that CSOs have a very important role to convert the Local Government to Open Government and citizens demand information using RTI. It will build moral pressure on the local government to manage their archive. It will not

change overnight but will lead to a process, he stressed. In the event, Pramod Bhattarai made presentation on RTI App. The android app, an integrated package on several dimensions of RTI- from principles to practice- is aimed at making public and the media persons aware on the use of RTI and its benefit for contributing to the good governance endeavor in the country.

All participants were enthusiastic at the event to know about Right to Information. The local partners shared that they were using the RTI App during the different events organized by CSOs and it also helped them develop better knowledge and understanding regarding the importance of RTI. The partners also shared that they would review different case stories included in the RTI App and share it with locals as an example and help promote RTI at local level. The App is important to increase the access of general public to information, so the promotion of the App is very important both formally and informally, they underlined. 

## Assisting journalists, saving media, serving public

With the COVID-19 pandemic and the subsequent lockdown imposed in Nepal since March 24 as the only measure to contain the spread of coronavirus, entire media activities were disrupted. Media industry faced huge crisis for survival. Working journalists witnessed tough time to continue their profession. Employers failed to pay them. Some journalists even thought of quitting the profession. Health crisis on the one hand and the financial on the other, the working journalists underwent unimaginable plight. It also resulted in the dearth of news and information and deprived citizens of their right to information. Worryingly, as it is said democracy dies in darkness, corruption and financial irregularities grew alarmingly at all three layers of government. Mishandling of COVID-19, plights of infected persons, poor quarantine facilities, lack of safety materials were rife.

With this in the background, Freedom Forum introduced stipend to the working

journalists so that they could continue their profession, earn a living though little, adopt safety measures, help survive media, bring forth issues of public interests ranging from corruption and wrongdoing. FF hope its initiative helped a lot on survival of small media.

Till June last, 33 feature stories surrounding COVID-19 were published in various media outlet. Stories were focused on the financial, economic, social, health areas with reference to COVID-19 pandemic. Stories highlighted the content such as financial irregularities in the name of relief collection and distribution by the public agencies. The stories covered misuse of fund used to prevent and control coronavirus at federal and provincial levels.

Some of the stories that got highlighted during this period: Corona epicenter Kapilvastu: More than 11,000 people sent home due to inadequate RDT, Isolation and Quarantine: The Fear of Death, Isolation and Quarantine: The Fear

of Death, Misplaced Priority in Province budget, Mismanagement of Corona affected who enter via India. Corona panic: no treatments, death in quarantine without treatment, 2 hours walk to take online classes and crying for relief: the struggle of the poor and dalits; society did not accept those who returned after winning the corona: contempt and stigma!

Other stories, 'the decision of the federal government to give house rent exemption is unheard of, the local level says: we have only heard the speech on TV' became hugely popular. It was the story about federal government's decision to waive rent during the lockdown issued by the government which created disputes between the local level, landlords and tenants.

The feature story with headline, 'Wealth in Corona epidemic: Salary from MPs to ministers increased, now 71,000 for Chief Minister.' also drew attention. 

Media  
in Crisis

# Dialogue on Open Response, Open Recovery

Freedom Forum organized a dialogue on 'Open Response, Open Recovery in the Wake of COVID-19 Crisis' on 19 June 2020 at virtual platform (zoom), having government officials, state assembly members, civil society leaders and stakeholders and media fraternity. Out of 42 participants, there were 10 females in the discussion event. The main objective of the discussion was to prioritize the idea of government openness on response and recovery in regards to the time of COVID-19 crisis. Situation highlight was made by Executive Chief at FF, Taranath Dahal, and the discussion was moderated by Project manager Sanjeeb Ghimire.

Pointing out the response of the government and showing the perspective of the media on COVID-19 crisis, the journalists of different media stressed that the government never focused on the issues of public health and interest addressing the COVID-19. At the same time, number of stories related to the corruption during COVID-19 address and purchase of health equipment and medicine are seen widely in the media. They also focused on the irresponsible and discriminatory act and behavior of concerned ministry while arranging press conference and disclosure of health related information. Along with this, the case of relief fund and materials was quite meagre; it was threatening to the vulnerable groups, they could not speak up, and the local government took advantage of this. This all sorts of activities from federal to local governments in the name of responding to COVID-19 crisis lacked transparency.

Similarly, talking about RTI, former Information Commissioner, Kiran Pokharel, said that to get rid of such pandemic, information could be the most important element. However, the government especially the Health Ministry in Nepal was providing partial and confusing information to the public. On the other hand the access to language is still a huge barrier.

Stressing the access to information Legal and Policy Advisor of FHI-360, Tanka Aryal, asserted that media need to follow the RTI for transparent and accountable information while covering the stories. Although the journalistic practice is also hindered during the lockdown which limited the citizen's access to information and even some were arrested under Electronic Transaction Act, the information

*Different countries around the world are in crisis while responding to the pandemic of COVID-19 and so is it in case of Nepal. The challenges are the same and it is high time for the government to adopt the strategy of open response to the crisis with trusted mechanisms for transparency and accountability.*

regarding security, quarantine facility, health services and the information of government response and recovery are very crucial at this time. So, government must follow the measure of openness.

Similarly, Ex-Chief Information Commissioner, Krishnahari Baskota, urged the public agencies to ensure the transparent and accountable environment for addressing such crisis. RTI is applicable to all tiers of government, he stressed.

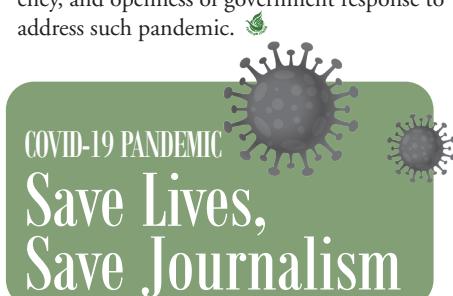
Different countries around the world are in crisis while responding to the pandemic of COVID-19 and so is it in case of Nepal. The challenges are the same and it is high time for the government to adopt the strategy of open response to the crisis with trusted mechanisms for transparency and accountability. It starts with full transparency of allocation and spending data including procurement transactions, reporting on extra-budgeting funds and establishing explicit links between policies and budgets. Along with this, it seeks inputs and engages with public and CSOs to monitor the implementation of emergency funds and measures; strengthens oversight functions of parliament and supreme audit institution and sustains improvements towards better accountability practices, according to Policy Advisor at Freedom Forum, Krishna Sapkota.

Concerning to the views of procurement policies, an ex-government official Naresh

Chapagain made it clear that procurement process of Nepal is not that much weak but in terms of policy matter, it is somehow vague and confusing. He stressed that the services and delivery through procurement policies are up to the mark. So we need to shift open contracting in the days, he added.

In reference to technology and open contracting, Executive Director at Young Innovation, Bibhusan Bista, shared descriptive as well as diverse information about different ministries' websites. Ministry of Health, Ministry of Home Affairs, Ministry of Federal Affairs, and General Administration along Office of the Prime Minister all have different information platform and tab about COVID-19 but the fact are different. Such mismanagement of information confuse the public, he said, pointing out the need of integrated government information to the public in such pandemic.

Concluding the dialogue, participants knew the value of the management of information, open contracting, access to information, transparency, and openness of government response to address such pandemic.

COVID-19 PANDEMIC  
Save Lives,  
Save Journalism

# Open Budget Survey 2019: Nepal

## About the survey

Government budget decisions – what taxes to levy, what services to provide, and how much debt to take on – affect how equal a society is and the well-being of its people, including whether the most disadvantaged will have real opportunities for a better life. It is critical that governments inform and engage the public on these vital decisions that impact their lives.

The Open Budget Survey (OBS) is the world's only independent, comparative and fact-based research instrument that uses internationally accepted criteria to assess public access to central government budget information; formal opportunities for the public to participate in the national budget process; and the role of budget oversight institutions such as the legislature and auditor in the budget process.

The survey helps local civil society assess and confer with their government on the reporting and use of public funds. This 7th edition of the OBS covers 117 countries.

## Transparency

This part of the OBS measures public access to information on how the central government raises and spends public resources. It assesses the online availability, timeliness, and comprehensiveness of eight key budget documents using 109 equally weighted indicators and scores each country on a scale of 0 to 100. A transparency score of 61 or above indicates a country is likely publishing enough material to support informed public debate on the budget. Nepal has a transparency score of 41 (out of 100).

## Overview



### Transparency:

**41 /100**

(Open Budget Index score)



### Public Participation

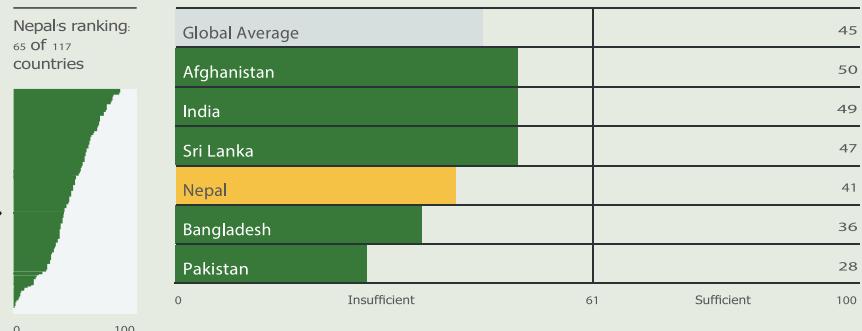
**22 /100**



### Budget Oversight:

**48 /100**

## Transparency in Nepal compared to others



## How has the transparency score for Nepal changed over time?



## Public availability of budget documents in Nepal

- Available to the Public
- Published Late, or Not Published Online, or Produced for Internal Use Only
- Not Produced

Document	2010	2012	2015	2017	2019
Pre-Budget Statement	○	○	○	○	○
Executive's Budget Proposal	●	●	●	●	●
Enacted Budget	●	●	●	●	●
Citizens Budget	○	○	○	○	○
In-Year Reports	●	●	●	●	●
Mid-Year Review	●	●	●	●	●
Year-End Report	●	●	●	●	●
Audit Report	●	●	●	●	●

How comprehensive is the content of the key budget documents that Nepal makes available to the public?

Key budget document	Document purpose and contents	Fiscal year assessed	Document content score
<b>Pre-Budget Statement</b>	Discloses the broad parameters of fiscal policies in advance of the Executive's Budget Proposal; outlines the government's economic forecast, anticipated revenue, expenditures, and debt.	2018	Not Produced
<b>Executive's Budget Proposal</b>	Submitted by the executive to the legislature for approval; details the sources of revenue, the allocations to ministries, proposed policy changes, and other information important for understanding the country's fiscal situation.	2018	54
<b>Enacted Budget</b>	The budget that has been approved by the legislature.	2018	17
<b>Citizens Budget</b>	A simpler and less technical version of the government's Executive's Budget Proposal or the Enacted Budget, designed to convey key information to the public.	2018	Not Produced
<b>In-Year Reports</b>	Include information on actual revenues collected, actual expenditures made, and debt incurred at different intervals; issued quarterly or monthly.	2018	Published Late
<b>Mid-Year Review</b>	A comprehensive update on the implementation of the budget as of the middle of the fiscal year; includes a review of economic assumptions and an updated forecast of budget outcomes.	2017	52
<b>Year-End Report</b>	Describes the situation of the government's accounts at the end of the fiscal year and, ideally, an evaluation of the progress made toward achieving the budget's policy goals.	2016	43
<b>Audit Report</b>	Issued by the supreme audit institution, this document examines the soundness and completeness of the government's year-end accounts.	2017	62

● 61-100 / 100   ● 41-60 / 100   ● 1-40 / 100

Nepal's transparency score of 41 in the OBS 2019 is substantially lower than its score in 2017.

## What changed in OBS 2019?

Nepal has decreased the availability of budget information by:

- Failing to publish the In-Year Reports (Quarterly Economic Bulletins) online within three months of the end of the reporting period.
- Failing to publish part of the Year-End Report (Annual Progress Assessment Report-2017-18).

## Recommendations

- Nepal should prioritize the following actions to improve budget transparency:
- Publish the In-Year Reports (Quarterly Economic Bulletins) online in a timely manner.
- Produce and publish a Pre-Budget Statement and Citizens Budget online in a timely manner.
- Include in the Executive's Budget Proposal detailed information on the composition of government debt and information on how the government's policies, both new and existing, impact proposed revenues and expenditures.
- Publish information in the Year-End Report with performance information and

the comparison of estimates and actual outcomes of non-financial data on results.

- Publish detailed expenditure and revenue information as part of the Enacted Budget.
- In the Mid-Year Review, present updated expenditure projections for the remainder of the fiscal year as compared to the original budget.

is crucial for realizing the positive outcomes associated with greater budget transparency.

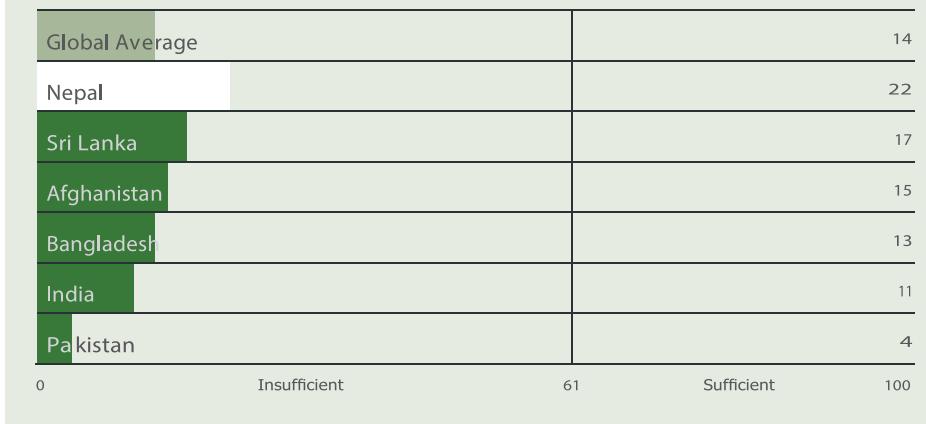
The OBS also assesses the formal opportunities offered to the public for meaningful participation in the different stages of the budget process. It examines the practices of the central government's executive, the legislature, and the supreme audit institution (SAI) using 18 equally weighted indicators, aligned with the Global Initiative for Fiscal Transparency's Principles of Public Participation in Fiscal Policies, and scores each country on a scale from 0 to 100. Nepal has a public participation score of 22 (out of 100).

For more information, see herefor innovative public participation practices around the world.

## Public Participation

Transparency alone is insufficient for improving governance. Inclusive public participation

### Public participation in Nepal compared to others



## Extent of opportunities for public participation in the budget process

20 /100



Formulation  
(executive)

11 /100



Approval  
(legislature)

25 /100



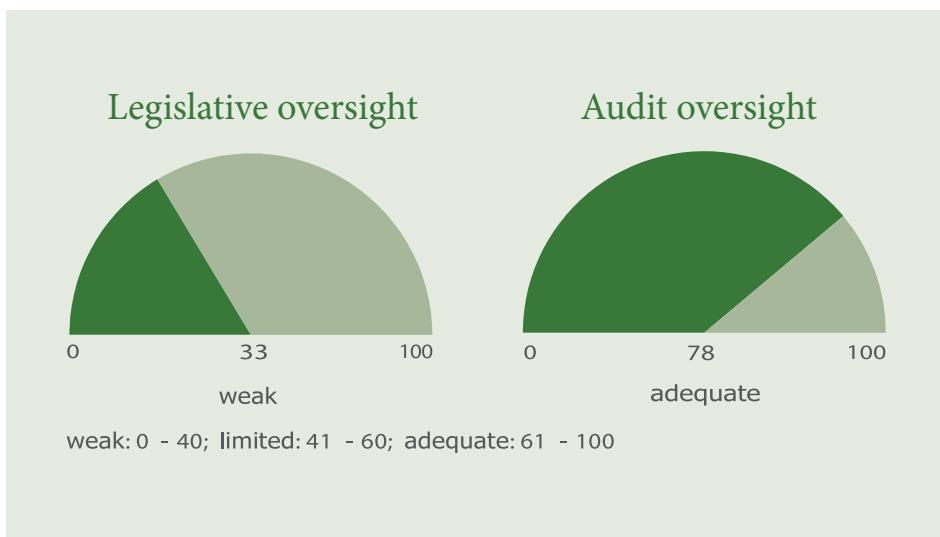
Implementation  
(executive)

33 /100



Audit  
(supreme audit institution)

few: 0 - 40; limited: 41 - 60; adequate: 61 - 100



## Recommendations

Nepal's Ministry of Finance has established a pre-budget submission process during budget formulation and e-consultations during budget implementation but, to further strengthen public participation in the budget process, should also prioritize the following actions:

- Actively engage with vulnerable and underrepresented communities, directly or through civil society organizations representing them.

Nepal's Federal Parliament has established public hearings related to the approval of the annual budget, but should also prioritize the following actions:

- Allow any member of the public or any civil society organization to testify during its hearings on the budget proposal prior to its approval.
- Allow members of the public or civil society organizations to testify during its hearings on the Audit Report.

Nepal's Office of the Auditor General has established mechanisms for the public to assist in developing its audit program. It should prioritize the following actions to further improve public participation in the budget process:

- Establish formal mechanisms for the public to contribute to relevant audit investigations.

## Budget Oversight

The OBS also examines the role that legislatures and supreme audit institutions (SAIs) play in the budget process and the extent to which they provide oversight; each country is scored on a scale from 0 to 100 based on 18 equally weighted indicators. In addition, the survey collects supplementary information on independent fiscal institutions (see Box).

The legislature and supreme audit institution in Nepal, together, provide limited oversight during the budget process, with a composite oversight score of 48 (out of 100). Taken individually, the extent of each institution's oversight is shown below:

## Recommendations

Nepal's Federal Parliament provides weak oversight during the planning stage of the budget cycle and weak oversight during the implementation stage. To improve oversight, the following actions should be prioritized:

- The Executive's Budget Proposal should be submitted to legislators at least two months before the start of the budget year.
- Legislative committees should examine the Executive's Budget Proposal and publish reports with their analysis online.

## The emerging practice of establishing independent fiscal institutions

Nepal does not have an independent fiscal institution (IFI). IFIs are increasingly recognized as valuable independent and nonpartisan information providers to the Executive and/or Parliament during the budget process.

*\*These indicators are \*not\* scored in the Open Budget Survey.*

- A legislative committee should examine in-year budget implementation and publish reports with their findings online.
- In practice, ensure the legislature is consulted before the executive shifts funds specified in the Enacted Budget between administrative units or reduces spending due to revenue shortfalls during the budget year.
- A legislative committee should examine the Audit Report and publish a report with their findings online.

## Methodology

Only documents published and events, activities, or developments that took place through 31 December 2018 were assessed in the OBS 2019.

The survey is based on a questionnaire completed in each country by an independent budget expert:

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To further strengthen the research, each country's draft questionnaire is also reviewed by an anonymous independent expert, and in Nepal by a representative of the Ministry of Finance.

# 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	<b>Taranath Dahal:</b> Executive Chief, coordinates overall organizational and administrative affairs		
	<b>Aruna Adhikari:</b> Finance and Administration Officer, looks after accounting and administrative affairs and performs responsibilities as the Information Officer.		
	<b>Nanu Maiya Khadka:</b> Gender Monitoring Officer, responsible for monitoring media content on gender perspectives		
	<b>Manju Ojha:</b> Front Desk Assistant, <b>Kamal Poudel:</b> Driver, <b>Ganga Kumari Gurung:</b> Office Assistant		
	<b>Aditya Dahal:</b> RTI App operator		
Projects	<b>Krishna Sapkota</b> - SUSASAN (CONSULTANT), <b>Narayan Ghimire</b> - CAFIFIR (CONSULTANT), <b>Pramod Bhattarai</b> - SUSASAN, <b>Sanjeeb Ghimire</b> - EEMIR, <b>Bhawana Poddar</b> - EEMIR, <b>Bobbish Dhakal</b> - EEMIR, <b>Subodh Dhungana</b> - EEMIR, <b>Dikchya Raut</b> - CAFIFIR, <b>Deepa Adhikari</b> - CAFIFIR, <b>Shanti Chaulagain</b> - CAFIFIR, <b>Subash Dahal</b> - DAA		
Ongoing Project Information	Project Name	Supporting Agency	Date of Signing the Contract
	Enable Environment for Media Law Reforms and Improved RTI Practice (EEMIR) (CS-MAP)	FHI 360	30th Dec 2016
	“Contributing to the atmosphere favourable to Improved FoE and Information Regime (CAFIFIR)- in Nepal” For 2020	Free Press Unlimited (FPU)	19th March 2020
	Sustainable use of Technology for Public Sector Accountability in Nepal (SUSASAN)	CECI	17th April 2017
	Freedom of Expression Training for Lawyers and Legal Defense Fund	FPU	27th May 2020
	Open Budget Survey 2019	International Budget Partnership (IBP)	18th January 2019
	Driving Audit Accountability : Audit Reports for Collective Action to Strengthen Government Responsiveness (DAA)	IBP	30th September 2019
Services Offered/ Activities Carried Out	Research, capacity development and policy advocacy including media monitoring, trainings on RTI and journalism, meetings, workshops, seminars and other campaigns to promote issues of democracy, RTI, FoE, fiscal transparency, human rights, local governance. It also provides legal aid to journalists, media and information seekers.		
Responsible Authority	<b>Chairperson:</b> Hari Binod Adhikari, <b>Executive Chief:</b> Tara Nath Dahal		
Decision Making Process	<b>General Assembly:</b> Making policies, rules and regulations of organization <b>Executive committee:</b> Formulation of action plans as per constitution of organization, rules and regulation <b>Management team:</b> Running projects and daily operational affairs and reporting timely to the Executive Committee.		
Past and Current Activities	Please follow the link: <a href="http://freedomforum.org.np/content/category/activities/">http://freedomforum.org.np/content/category/activities/</a>		
Information Officer	Aruna Adhikari		
Financial Information	Freedom Forum received grants announcing Rs. 3,515,904 (April to June 2020)		
Official Website	<a href="http://www.freedomforum.org.np">www.freedomforum.org.np</a>		
Publications of Freedom Forum	Freedom Forum has over 50 Publications (printed) Please Follow the Link: <a href="http://freedomforum.org.np/content/publications/">http://freedomforum.org.np/content/publications/</a>		
Annual Report	<a href="http://freedomforum.org.np/content/publications/reports/annual-reports/">http://freedomforum.org.np/content/publications/reports/annual-reports/</a>		
Mechanism for Information Dissemination	Websites- <a href="http://www.freedomforum.org.np/">http://www.freedomforum.org.np/</a> ; <a href="http://www.nepalpressfreedom.org">www.nepalpressfreedom.org</a> , and Newsletter-Free Expression		

# Maintaining Human Rights during Health Emergencies

## Brief on Standards Regarding the Right to Information

The COVID-19 pandemic has brought unprecedented changes to life for much of the world's population and presented enormous challenges to governments, which are charged with both combating the disease and trying to minimise the negative economic fallout from it. In addition to placing heavy demands on at least some public authorities, the pandemic has imposed severe constraints on the operations of most public authorities.

Some governments have responded to the pandemic by placing limits on the right of individuals to access information held by public authorities, or the right to information. Government transparency, including via right to information laws, is more important during an emergency than ever, given both the incredibly important decisions being made, often very rapidly, by governments and the limited ability of traditional accountability institutions – such as parliament, the courts and horizontal oversight bodies – to hold public actors to account due to emergency operational constraints.

The right to information is recognised as a human right but it is not absolute. Instead, it may be restricted by law where this is necessary to protect the rights or reputations of others, or national security, public order, public health or public morals. During an emergency which “threatens the life of the nation”, the existence of which has been “officially proclaimed”, international law envisages the possibility of derogations from rights but only where they are “strictly required by the exigencies of the situation”.

In their responses to the COVID-19 pandemic, many States did not adopt legal measures to limit to the right to information, while other States did.<sup>1</sup> Authoritative international actors such as the UN Human Rights Committee, the Inter-American Commission on Human Rights and the special international mandates on freedom of expression at the UN, OSCE and OAS, have made it clear that freedom of expression and the right to information remain vitally important at this time and that any new limits which are justified by reference to the emergency should be very limited in nature.

Based on an analysis of international standards relating to both restrictions on the right to information and emergency derogations from rights, we propose the following key principles to govern State actions in the area of the right to information during public health emergencies:

- General public health emergency legislation should not allocate broad discretion to public authorities to limit the right to information through subordinate legal rules but should, instead, subject this to a requirement that any restriction is either “necessity” or “strictly required by the exigencies of the situation”, and is also quite clear regarding how the right to information is being limited.
- No blanket suspensions of the right to information, including blanket time limit extensions for responding to requests for information, should be imposed during emergencies. Instead, emergency provisions should establish the conditions for extend-

ing time limits on a case-by-case basis in response to individual requests.

- No limits should be imposed on requests for information related to the emergency and government responses to it, especially where the purpose of the request is to disseminate this information to the public. Better practice is to prioritise these requests, for example by responding more quickly than the law requires.
- Any limits on the right to information should be reviewed regularly and limited in duration to the period during which emergency conditions justify them.
- During a health emergency, necessary changes to the way in which information is recorded and stored should be introduced to ensure that there is no loss of continuity in the recording of government decisions and actions.
- Where an emergency continues for more than the short term, any limits to the right to information that were introduced early on should be lifted or downgraded as soon as possible.
- Governments and oversight bodies should communicate clearly about any changes to right to information rules and how individuals can make requests, and also how public authorities can continue to process requests efficiently taking into account emergency measures. Public authorities should also engage in extensive proactive disclosure relating to the emergency and allocate the necessary resources to respond robustly to requests for information related to it.

(Source: <https://www.law-democracy.org/live/wp-content/uploads/2020/05/RTI-and-COVID-19-Briefing.20-05-27.Final.pdf>)

<sup>1</sup> These changes are being captured on the RTI Rating COVID-19 Tracker. Available at: <https://www.rti-rating.org/covid-19-tracker/>.

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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