



# Free Expression

Issue 27 Jan-April 2014

A NEWSLETTER OF FREEDOM FORUM

## Commitment to Free Expression

### 200 Public Officials Oriented on FoE Issues

In view of the hostility to Nepali media from various sectors, including political party cadres, security bodies and government officials and subsequent restriction on press freedom and journalists' right to report independently, a need of broader level of understanding on freedom of expression (FoE) issues was realized among the state agencies. The understanding was needed among the state agencies including the prosecutors, police, government and judicial officials on the FoE and safety of journalists.

Freedom Forum believes that only robust and secured environment can ensure journalists' rights of independent reporting and promote FoE. It therefore conducted dialogues among the state agencies and assessment survey aiming at boosting their perception level of the FoE issues including legal provisions and encourage protect journalists' rights.

Six dialogues were organized in different parts of the country. The dialogues conducted



in two phases included both the districts in the southern plains and in the eastern hill of Nepal. In the first phase, the dialogue was conducted in Chitwan on February 10, in Birgunj on February 12 and Dhanusha on February 14.

Similarly, it was in Okhaldhunga on February 25, in Dhankuta on February 26, and in Ilam on February 28.

A total of 200 persons, including from the security bodies and judiciary, in total, participated in the dialogues thereby becoming aware on the FoE issues and making commitment that they would protect journalists' rights.

During the dialogues, chief of the following offices or their representatives were invited: District Administrator Office, District Court, District Attorney Office/Public Prosecutors, Security Agencies (District Police Office, Armed

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## Father Beaten for Son Seeks Information!

Jay Prakash Thapa and Prem Bahadur Pun jointly registered an application through postal office seeking different information with a local Kharah Khola Hydropower Consumers' Committee of Khalanga-7 of Jajarkot, a district in distant mid-western region of Nepal, on February 10, 2014. The information were related to the cost of the production, electricity distribution scheme and others.

Instead of providing information as per the laws, Chairperson of the consumers' committee, Dirgha Bahadur Thapa and gatekeeper Bir Bahadur Pun reached the home of 44-year-old Hari Bahadur Thapa, father of information seeker, Jay Prakash, on 29 March 2014 and beat up Hari Bahadur. "Why did you file case against me?" He said and "bounced upon me," shared Hari Bahadur.

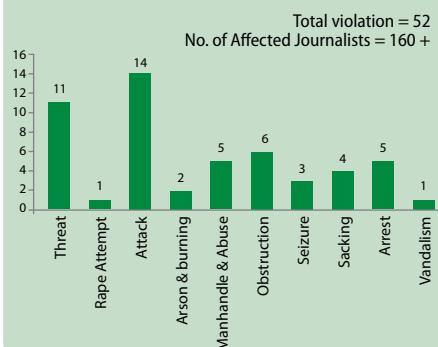
Later, he lodged complaint at District Administration Office, Jajarkot, seeking

response on whether anybody could seek information of any public concern (as how much money was needed for the hydropower construction, how it was managed) with any public agency or not.

Information seeker, Jay Prakash Thapa said he requested for the information as no consumer in the area was informed about how the committee generated money for the hydropower construction. The hydropower was constructed three years ago. There was neither public hearing nor citizens' auditing on it. With this reasons, he sought the information.

Moreover, the National Information Commission (NIC) has been informed about non-implementation of the Right to Information Act. He, however, worried that the lack of commissioners in the NIC would delay justice.

## Press Freedom Violation from May 2013 to April 2014



*See full report on Page 3*

# Message from Chairperson

**O**pen Government Partnership (OGP), a new multilateral initiative envisages government and civil society working hand-in-hand to build trust and synergies to promote four values, namely transparency, accountability, civic engagement and innovation. Begun in 2011 with eight countries as founding members, it has so far transformed into a global movement involving 64 countries and around 200 civil society organizations.

Growing enrollment of members as well as commitments from different parts of the globe to fulfill required responsibilities, has enhanced optimism that OGP will be able to create changes at a country level by providing a common platform for networking between states and CSOs. The OGP Asia Pacific Regional Conference 'Unlocking Innovative Openness: Impetus to Greater Citizen Engagement' was organized to advocate and promote OGP and foster further collaboration among member countries and CSOs. The event was a strategic step to broaden participation in addressing global issues in the special context of the Asia Pacific Region, which is marked with rising inequality and unplanned urbanization along with climate change and environmental pressures. The event took place in Nusa Dua Bali, the famous island of Indonesia, on May 6-7.

Freedom Forum took this opportunity to be a part of this conference to get more insightful learning on OGP and share Nepal's recent experiences on emerging governance issues such as right to information and open data. It was learnt in the conference that Nepal is eligible to join OGP, as it meets the stipulated criteria of fiscal transparency, access to information, asset disclosure and citizen engagement. This eligibility has encouraged Nepali CSO representatives like us to initiate discussions with the government to sign up to the OGP and work together to develop plan of action for its effective implementation in future. OGP's uniqueness lies in providing civic space and proposing approaches to the government and other actors for governance reforms. Importantly, the collaborative approach will open up avenues for partnership, and now is an opportune moment to sign up to the OGP is crucial while Nepal is going through its process to frame a new constitution. It will be a good beginning to be the part of the global movement and align its key values with the law of the land.

Via the OGP, Nepal can benefit by learning about inspiring best practices in regard to government efficiency and its contribution to transform public lives across the globe, as well as showcasing its successful cases to that end. The rest of the world can also learn several things from Nepal as a country emerging out of serious transition and with a fledgling democracy, given that ideas and innovation really do come from anywhere and anyone. Now at least, we are trying to get connected with global discourses on transparent and accountable use of public resources for public goods. We have also established some worth-sharing success stories on right to information and open data. At this point, the OGP will help us leverage our current efforts to increase access to information/data for open and effective governance harnessing new sets of ideas and innovations popping up around the globe.

FF do believe that the interdisciplinary approach of OGP would mainstream efforts in creating openness of governments, engaging civil society and giving space to change agents as the key actors of democracy, open governance and development of the country. It would also recognize and add value to the civil society-led right to information and open data movement in promoting social accountability in Nepal. It has direct bearing on FF's works on fiscal transparency, right to information and civic engagement –three of the four eligibility criteria to join OGP – and Open Nepal's works on creating ecosystem around open data and developing capacity and demand for and use of open data for proactive and transparent governance.



Taranath Dahal

## Courageous Journalism Award to Nepalnews Portal

The Nepalnews portal ([www.nepalnews.com](http://www.nepalnews.com)) has been honoured with this year's 'Courageous Journalism Award' in recognition to its initiation of the online media in the country.

The Courageous Journalism Award instituted jointly by the International Press Institute Nepal Chapter, and Freedom Forum was handed over by Minister for Information and Communications Dr Minendra Rijal to its Chief Executive Officer of the nepalnews portal, Sanjeev Rajbhandari, at a program organized on the occasion of the World Press Freedom Day in the capital city on May 2, 2014.



Minister Dr. Rijal conferring the Award on CEO of nepalnews portal, Sanjeev Rajbhandari

The news portal is run by Mercantile Communications. It was the first to introduce internet and online journalism in Nepal. It has been running [www.nepalnews.com](http://www.nepalnews.com), a news portal since 1998 and thereby contributing to advancement of Nepali journalism.

Addressing the programme, Minister Dr Rijal said a broader debate is needed to fully address the remuneration problems facing the Nepali journalists. Freedom and development are interrelated, he said, adding that the more the news is credible the more it gains public trust.

On the occasion, Joint Secretary at National Planning Commission, Gopinath Mainali, said press and freedom of expression could be a strategic tool for development.

### World Press Freedom Day

Freedom Forum Chairman Taranath Dahal lamented that the government was not even delivering a message on the occasion of the World Press Freedom Day. "Relative political stability helped reduce press freedom violation this year in Nepal. However, proper policy for media democratization and encompassing of new media was needed", he stressed.

IPI Nepal Chapter Chairman Padam Singh Karki said online media was gaining pace in Nepal. Honoured personality Mr Rajbhandari on the occasion shared that online Nepali news sites have a daily collective readership of easily over half million. At the same program, FF made public its annual press freedom report.

# Press Freedom Improves in Nepal

## New Media at Receiving End

- i. Despite the year of the general election, the incidents of press freedom violation have radically declined in Nepal. Freedom Forum recorded a total of **52** press freedom violations in the monitoring period- a year from May 2013 to April 2014. Last year, the violations stood 131. The improvement is because of comparatively stable politics the country had.
- ii. The strict vigilance of the State over the emerging new media (news portal, facebook, twitter, blogging) - a new trend in Nepali media- is quite disappointing. Three journalists were detained for news updates in the new media. It points out urgent need of policy that encompasses the rights of journalists working in online media and speaks further on social media.
- iii. Impunity is not fully ended but the independent judiciary and Labour court has helped a lot to reduce it. Various journalists arrested by security agencies have been released due to prompt action of the courts. So, the level of impunity is positive to some extent.
- iv. There has been no specific works on policy reform regarding media and communications sectors, which therefore has slowed the pace for media democratization.
- v. Lack of professionalism and bad practices are continuous thereby questioning the news credibility. For enhancing professionalism with quality journalism, journalists too have enough roles to play. Respect to code of conduct cannot be denied.
- vi. Remuneration to the working journalists is very low (many unpaid and working without appointment letters). It has affected the professional security of journalists. Here, media owners' respect to the rights of working journalists is essential. Only cooperation between the media owners and employees can best utilize media as effective platform for freedom of expression.
- vii. Lately and importantly, Nepali media began facing question of transparency in investment. The issue is emerged again. It suggests- as in other sectors, media, which advocates for rights, should be transparent in its own investment so that it would garner public trust.
- viii. Out of the total 52 violations, highest are attacks (14). Categorizing the attack, one is injury, one murder attempt and 12 attacks. Similarly, total threats are 11. Under this, threats of physical attacks are 7 and death threats 4. Obstructions stand 6, while arrest, and manhandle and verbal abuse 5 each.
- ix. The attacks, threats, manhandles and verbal abuse to journalists, and newspaper burning, vandalism have come from political parties' cadres, security persons (Nepal Army, Nepal Police), government employees, unknown person, businesspersons, goons and even from the media owner.

News paper burning and arson are one each. During this period, 4 journalists were sacked from job while a rape attempt was made on a female journalist.

### Some important events of the year:

- i. Two online journalists, Sushil Pant and Santosh Bhattacharai, were arrested for news from the capital city, Kathmandu, on June 20, 2013. Police arrested guest editor to an online daily [www.nepaliheadlines.com](http://www.nepaliheadlines.com), Sushil Pant, and its owner Santosh Bhattacharai, reasoning a news story their media published about a women's college was against Electronic Transaction Act. Later, they were released with the campaigning of the civil society organization including Freedom Forum arguing that journalists could not be arrested by police merely because of news writing.
- ii. Dinesh Acharya, editor of Share Bazaar weekly was detained for a day over the facebook post of a news story his weekly published. On September 30, 2013, police arrested him over the compliant an industrialist lodged against facebook post, which the police argued as against Electronic Transaction Act. Later, he was freed. Both of these arrests were misuse of Electronic Transaction Act which harassed the working journalists.
- iii. An Army person Upendra Basnet made a rape attempt on a female journalist in Khotang, an eastern hilly district of Nepal, on April 4, 2014. The radio journalist was returning from her office. Later, army person Basnet was arrested by police and handed over to Nepal Army.
- iv. To a positive note on impunity, a mastermind behind the murder of Uma Singh, a Janakpur-based journalist was arrested from Dhangadhi, a district in the far western region of Nepal on September 16, 2013, almost four years after the incident. Uma Singh, reporter with a local FM radio- Janakpur Today- was hacked to death on 11 January 2009.
- v. Another noteworthy decision came for the rights for the working journalists- that is- a media house was asked by the Labour Court to restore the sacked journalists and pay them proper remuneration. Nepal Republic

## World Press Freedom Day Report 2014

Media did not extend the contract period of five journalists- Manoj Dahal, Madhav Dhungel, Govind Pariyar, Nabin Aryal and Shyam Bhatt since 12 February 2013. But with complaint at the Labour Court the Media house, on January 2014, was ordered to restore them and pay the salaries they were made to quit the office.

**In conclusion**, Nepal is still in transition because it is yet to bring the new constitution ensuring every fundamental rights of the citizen. Therefore, it needs effective vigilance whether free press, freedom of expression and access to information with broader scope is guaranteed in the new constitution. Effective monitoring of media for free press is equally important, for political debates on pressing contents of new constitution on the run-up to the promulgation of the constitution many invite demonstrations for rights where journalists can witness threats and attacks as it was in the last year.

### Non-Implementation of Court Order Riles Journalists

Five journalists in the Capital City have been worried over the non-implementation of court order by a media house regarding their remuneration.

After Nepal Republic Media did not extend the contract period of five journalists- Manoj Dahal, Madhav Dhungel, Govind Pariyar, Nabin Aryal and Shyam Bhatt since 12 February 2013, they moved to the Labour Court seeking justice and their continuity in the job.

On January 23 this year, the Labour Court, Kathmandu, delivered the verdict that Nepal Republic media needs to reinstate the expelled journalists and pay the salaries since they were forced to leave the office since 12 February 2013.

Journalist Manoj Dahal, said, "Although we joined the office on March 31, 2014 after the court order, Nepal Republic media has not paid us till date. So, it is time for us to make further protest for justice." Non-payment and low payment are the serious problems most of the journalists are facing.

# Press Freedom Transgressions

## Threat of Physical Actions

On April 13, a group of people threatened Suren Shakya, technical person at Khandbari FM and other reporters of the same media over the airing of a news story.

The FM located in Sankhuwasabha, a district in a remote eastern hill of the country, was airing the news that 'some people were being lured for foreign employment with false promise of handsome salaries'.

Technical person Shakya said, "Some five to seven persons barged into the technical section of the FM station and inquired why the news was being aired and who gave authority to the FM radio to air the news."

Asked whether the news content was misleading, the news was factual.

They also threatened of physical actions to him and other friends, for airing the news, added technician Shakya.

As the police were informed on time about it, they were arrested immediately from the FM station.

## Death Threat to Reporter in Capital

KP Dhungana, a reporter with the Nagarik daily published from the capital city, Kathmandu, received flurry of death threats following a news report he published in the daily.

Reporter Dhungana said, "Nearly 200 phone calls and messages of death threat panicked me much after I published the news relating to a protection centre run by a woman in the capital city on February 27, 2014. The news was about the mistreatment to the elderly women, unhygienic condition of the children and lack of transparency in the protection centre, he added.

Most of the threats came from the indigenous Nepali people from the country and abroad too. In the threats, as reporter shared, they said, "Can't you tolerate the progress of an indigenous person, a woman? You will see how we finish you off now."

## Death Threats to two in southern plains

Two journalists were issued death threats against news reporting in Mahottari, a district in the central region of the southern plain in Nepal on 23 January 2014.

Editor of the Bardibas daily, Santosh Pokhrel, and reporter with the Radio Darpan, Gita Chimoriya, were threatened of lives by two locals named Buddhiraj Neupane and Devraj Kafle over a news dissemination about a road accident.

Reporter Chimoriya said, the two persons Neupane and Kafle barged into the office of the Radio Darpan and said to me, "Are you the one making news on road accident? Why did you make news on that? We will finish you at any time."

## Army Man Makes Rape Attempt On Woman Scribe

An army person made a rape attempt on a woman journalist in Khotang, an eastern hilly district of Nepal, on April 4, 2014.

According to a reporter with the Nagarik daily from the district, Daman Rai, the woman journalist working with a community radio foiled the sexual assault by an army person Upendra Basnet while she was returning home from the office in the evening.

"As she cried after the ill gestures of the army man, the people in the vicinity nabbed him and handed to the police. And the police later handed Basnet to the Army," reporter Rai added.

She added that they also spoke foul words to her and left the station. Over the same case, editor Pokhrel was threatened over telephone by the two men.

Meanwhile, as per the complaints filed by the journalists to the local police administration, both Neupane and Kafle were arrested by the police. But the political parties in the district were reported to have piled pressure on the police to release the disruptive men.

## Photojournalist barred from viewing CA Members' Swearing-in Ceremony

The Constituent Assembly (CA) Secretariat barred the photojournalists from entering the CA gallery and taking photos of the newly elected CA members while they were being administered the oath of office and secrecy on January 21, 2014.

January 21 was the day scheduled for the swearing-in ceremony before the proceedings in the second CA in Nepal. But the journalists were barred from taking photographs of the ceremony.

It prevented journalists from reporting and breached citizens' rights to get proper information. Such anti-press incident in the CA gallery which is the forum to formulate laws is quite unsuitable and unwelcome. It therefore points out a need that every government body and office respect journalists' right to free reporting and citizens' right to get information.

## CIAA Chief Speaks Foul On Journalists

Misbehaviour from the government officials with journalists is common here. This time, Chief of the Commission for Investigation of Abuse of Authority (CIAA), Lok Man Singh Karki, spoke foul on journalists at a press meet in Biratnagar, a southern city in the southern plain of Nepal, on January 12, 2014.

Freedom Forum vehemently condemns the incident as it is abhorrent and very discouraging to the journalists, especially the women ones. It shows how insecure the women journalists are in Nepal.

Therefore, the Nepal Army must take rigorous punishment to military Basnet and teach its entire rank and file about the human rights.

Compared with the number of male journalists in Nepal, there are very few women, and such incidents are quite discouraging for them to enter into journalism profession.

CIAA Chief Karki misbehaved with 15 journalists when he was asked about the illegal supply of the betel nuts.

A reporter present at the press meet said, "At a press meet here, journalists put questions with CIAA Chief Karki about the illegal import and export of betel nuts after he was appointed as the Chief. He flatly rejected answering journalists and challenged them if there was his involvement."

When sought clear answer, he further said, "The social evils and malpractices were caused because of the journalists like you," according to the reporter. He also spoke foul on journalists.

Despite being a high level official, Mr Karki's remarks have demeaned and disheartened journalists. It has affected the morale of the working journalists. Such incidents are deterrent factor to professional media.

## Arson

Office of the Tikapur daily published from Dhangadhi, far-western region of Nepal, was vandalized and set on fire over the publication of news on a road accident on the very first day of New Year 2014. Even the journalists affiliated to the daily were threatened publicly of attack over the news.

Editor of the Tikapur daily, Bhubaneswar Adhikari, said, "A group led by a local Arjun Kunwar set the newspaper's office on fire at 10 am over the news the daily published about the road accident today."

According to him, the publications of five dailies and three weeklies were halted due to the arson. The printing paper worth Rs 85,000 was destroyed in fire. "There is no security for us to walk out from home now," he said, adding that there was not any mistake in the news content as they had confirmed about the death of Kunwar's relative quoting his voice. However, he unnecessarily committed arson, he complained.

# IPI for Free Flow of Information

-Padma Singh Karki\*

"A critical, independent and an investigative press is the lifeblood of any democracy," Nelson Mandela said this in 1994 when the International Press Institute gathered in Cape Town of South Africa for its 43rd Annual Congress. Now, after 20 years, IPI again gathered in the same place on April 12 to 14 of 2014. The view of the late Mandela is equally relevant as it was. Even South Africa is transformed now.

It is a country to which there have been wonderful changes. Significant among these is a constitution which enshrines freedom of expression. IPI holds Congress and Assembly on the eve of fifth democratic election in Manzi, heart of the country that Nelson Mandela called home.

Following the WW II, IPI was established in February 1950 under the core initiative of the United Nations to protect press freedom. Five newspaper people gave birth to IPI in New York. Today, from more than 120 countries, media leaders, editors and publishers are active and committed members for this old institute of journalists. It holds Assembly and Congress every year. It has permanent headquarters in Vienna, Austria. Similarly, it annually publishes Death Watch list. Press Freedom report awards to press freedom hero every year. Sometime it takes media mission and gives pressure internationally. Nepal too was pressured for the



Photo Source: Google

rights of journalists here.

Twenty years ago Daniel Lamewold, IPI chairman had given a beautiful speech for the 1994 Congress. He said, "There are many different cultures represented here but our mission is common one-to protect the rights of journalist and free flow of information everywhere."

The members of the IPI adopted more than half dozen resolutions by unanimous vote. A resolution as calling on the Swaziland government to release unconditionally editor of independent news magazine, the Nation, Bekhetemba Makambu; and human rights lawyer Thulemi Maseko. Similarly, South African President Jacob Zuma to again use his prerogative to request the transitional court to review the Secrecy Bill to determine if it passes constitutional muster doing so would send the message that this and future South African governments will not hesitate to engage in a

comprehensive legal review of legislation in order to protect the freedom of the press and Expression.

Also, the resolution expressed deep concern about complaint received from IPI members in Russia, East Europe Africa and elsewhere that serious impediments were placed in their way when applying at South African Diplomatic Missions for visa to enter South Africa for Congress. IPI General Assembly

called on authorities in Russia and Ukraine to end pressure in media and allow the open exchange of information, it also called sides in Venezuela to ensure the safety of journalist and for the government to halt arbitrary detention of media workers.

The IPI honoured two journalists, Mallah Shamsaluzan from Atlantic with the Courageous Award and other Iranian journalist as World Press Freedom Hero of 2014. More than twelve resolutions were passed to protect press freedom across the world.

\*Chairperson, IPI Nepal Chapter

## Solidarity for Rome Statute Ratification

Freedom Forum expressed its solidarity to the peaceful protest that noted human rights activist Krishna Pahadi waged in April to put the pressure on the government to endorse the Rome Statute. FF also demanded the Nepal government to present a proposal on endorsement of the Rome Statute in the parliament and pass it.

As the foundation of the democracy becomes solid with the strengthening of international criminal justice, Nepal needs to make commitment to ending the impunity relating to the serious violation of the human rights.



Activist Pahadi in the middle of front row.

## RTI Activist Misbehaved, Information Denied

A right to information (RTI) activist was misbehaved by a school principal while seeking information in Dhanusha, a district in the southern plain of Nepal, on 21 January 2014.

Principal at the local Bateshwor Lower Secondary School of Bateshwor VDC-6 in the district, Ganga Prasad Mahato, not only misbehaved with Shailendra Mahato, RTI activist and a journalist but also denied information journalist Shailendra sought about the school.

RTI activist Shailendra said that he had reached the school with an application seeking information about the schools' financial condition, physical properties, teachers' quota and process of teacher's appointment, reservation quota, number of students, distribution of scholarship and so others but Principal Ganga Prasad flatly rejected to register the application and spoke foul words on him.

"Who are you to seek information about this school? I don't give any information. If you publish information, you will see how I take action on you. I don't know about RTI. Who has given you the authority to seek information?" Principal Ganga Prasad said to journalist Shailendra.

With this, Principal Ganga Prasad has violated citizen's right to information. The RTI is the fundamental rights of Nepali citizens ensured by the Constitution. Any information of public importance can be sought with the public agencies by any citizen.

Disclosing information not only makes any public agency transparent and accountable to people, but also empowers citizens and build informed society which are the needs to democracy.

# Effective Role of Parliament Sought on Budget Making Process

Freedom Forum conducted an interaction on parliamentary oversight on the budget process in Kathmandu on 17 March 2014. Parliamentarians, officials from the Parliament Secretariat, representatives from the Office of the Auditor General (OAG) and journalists working in the economic beat took part at the interaction.

Participants discussed the role of parliament in the budget process. The interaction focused on existing structure and practices of economic committee and public account committee (PAC) of the Parliament and the Legislature-Parliament itself regarding the budget process. Speaking at the programme parliamentarian Kamala Panta from Nepali Congress party, Sher Dhan Rai from the CPN-UML and Dr. Subodh Pokhrel from MPRF-D said parliament is very weak in Nepal, as it does not have influence over the process of making budgetary decision. They said the parliament of Nepal in fact has a ceremonial role. "Members of parliament are very weak and



few leaders have total power on budgetary decisions," they stressed.

FF Chairperson Taranath Dahal pointed out the need for pre-budget statement at least a month before the submission of executive's budget proposal to the parliament. This is the entry point towards establishing meaningful participation of parliamentarians in the budget process early from the stage of budget formulation. He added that our parliament needed a budget research office of experts to provide inputs to the parliamentarians on the regular basis. Distinct budget committee and budget Act are other important

agenda for the reform in enhancing parliament's oversight in the budget process.

Joint Secretary at the Parliamentary Secretariat, Krishna Hari Khadka, said the Secretariat does not have adequate human and technical resources to provide necessary information to the parliamentarians and enhance their capacity to take part in the budget discussions.

Similarly, Under Secretary at the Public Account Committee, Surendra Aryal, said that a weak institutional capacity of Secretariat, low level of understanding on budget issues among

parliamentarians and no response from executives are three main problems underlying Nepal's parliament. Aryal also raised a question on quality of audit report on the ground that PAC has decided many cases that such irregularities have no proofs.

Unlike him, Baburam Gautam, Spokesperson of OAG said that PAC did not take the OAG report seriously.

Journalists criticized on the the role of parliament, saying they do not actively take part in the budget discussion. They suggested appointing resourceful person as their assistant as a low cost option that contributes to making their presence meaningful at the parliament.

Parliamentarians said they lobby for early pre-budget statement and meaningfully take part in the budget discussion and requested all concerned to expedite such initiatives to make many of the parliamentarians aware of the essence of oversight in the budget process.

# Open Data for Effective Development

With a view to contributing to more effective development by enabling access to better information/data about resources, Freedom Forum has expanded its efforts around open data. Recently, its interventions are focused on developing capacity of data users and intermediaries, producing customized resource materials and assessing emerging use and impacts of open budget and aid data in Nepal. Provided that access to information is an essential component of transparency and accountability, the Forum has internalized the essence and emergence of 'Right to Information' and 'Open Data' – the two separate measures with one goal to hold the government to account and make better informed decisions to improve lives.

Freedom Forum is handling a research project 'Exploring the emerging use and impacts of open budget and aid data in Nepal' The study complements the works to promote the availability of better data and provide tools, skills and support to help those in the development ecosystem to access, analyze and use data for effective development outcomes.

Similarly, under the Open Nepal component of 'Support to Specific Open Development



Initiatives and Case Studies', Freedom Forum delivered scoping and capacity building workshops for journalists and parliamentarians and developed research-based briefing papers and case studies around different themes of open data. The major objective of the workshops was to develop their capacity, knowledge and skills to use data to support their works.

Similarly, the Forum developed case studies on the use of open data around financial resource flows and education budget analysis. Some research works on case study titled 'open data and the use by parliamentary staff to address aid

transparency' are underway. The case studies have presented a pattern of the use of open data in journalism practices and budgetary analysis focused on education.

Importantly, the Forum also produced two briefing papers on the themes of open data and right to information and open data and journalism. The briefing note 'Open Data and Right to Information' has explained similarities between Open Data and RTI (drivers and goals), differences (format: information vs data, philosophy: ask vs give, approach: right-based vs technical, drivers: Open Data's extra driver of innovation and efficiency, timing: reactive vs proactive, enforcement: legal enforcement vs moral pressure), concerns that have been expressed over Open Data and RTI and recommendation – how Open Data and RTI could work together to further access to information. The recommendations include working together to compile access laws being used to get data from governments and to highlight the data that is not being provided, complementing each other and building synergies for improved access to information acknowledging differences the two communities. The crux of the recommendation

# For Improved Access to Budget Information

An influential group of government officials, experts, CSOs and journalists have underscored the need for the improved access to budget information for public throughout the budget processes in Nepal.

Speaking at a consultative meeting on 'Pre-Budget Statement and Citizens Budget', organized by Freedom Forum in Kathmandu on 2 February 2014, they discussed the strengths and weaknesses of existing pre-budget policies, practices and public participation in Nepal.

Taranath Dahal, Chairperson of Freedom Forum called for concerned government officials and experts to initiate concrete reform so as to improve access to budget information by producing and publishing pre-budget statement and simplified version of national budget in the form of citizens budget. He presented an outline of pre-budget statement and citizens budget containing introduction, key features, major contents and timing of publishing these budget documents in the context of Nepal citing references from international best practices and standards.

Mr. Ramesh Khanal, former Secretary, Ministry of Finance, in his presentation on the theme, stressed the need for timely disclosure of government's key policies and priorities for the next year's budget so that citizens and their representatives could provide their inputs during the budget formulation process.

He said installation of hoarding boards depicting crucial information about budget, expenditure, calendar for completion, among others at the project location has started in a bid to promote general people's access to project related budget information. The intention here is to make people able to monitor the public spending for better outcomes. However, it has not



been fully materialized in practice.

"A practice of publishing budget booklets in different languages was initiated in fiscal year 2004/05 but it was not continued", he said while presenting some good works begun by the Ministry of Finance in the past. He underlined the urgency of keeping on these initiatives as a part of citizens budget.

Regarding pre-budget practice, Khanal said that Nepal's pre-budget practice is not internationally recognizable as they are more in-house type, adding larger section of people don't know about the project information even after its implementation.

Highlighting the need for pre-budget statement, he said until people get adequate and timely information about government's priority they cannot participate in the budget process and room for the misuse of public money is created.

The government should publish and bring into public domain the pre-budget statement before fourth months of the current fiscal year, he added, explaining its basic contents.

Chief of Budget Formulation Division at the Ministry of Finance, Baikuntha Aryal said the Ministry is trying to push issues

of budget transparency specifying clear roles and processes via amendment to budget formulation guidelines. He went on saying that the Ministry is committed to release pre-budget statement to enable discussion among people and parliament so that they could provide inputs and feedback to the government before tabling the budget proposal in the parliament.

Economist, Keshav Acharya highlighted the need for formation of research unit within

the government structure or outside comprising the independent team of economists and researchers so that the Finance Ministry can acquire timely information about macroeconomic indicators and make them a part of pre-budget statement. He suggested an idea of establishing project bank to select and design projects scientifically adhering to the needs and priorities of the people. Project bank offers key information about possible projects for future.

Ram Sharan Pudasaini, Spokesperson of the Ministry of Finance, said access to budget information is the building block for transparency and accountability. Baburam Subedi, Assistant Coordinator of PEFA Secretariat, said our system of planning for taxation should be enhanced as to make budget more scientific.

Various speakers including former Coordinator of PEFA Secretariat Mr. Rajendra Bajracharya, Joint-Secretary at National Planning Commission (NPC) Gopi Nath Mainali, NPC Under-Secretary Ram Sharan Bhandari, MoF Under-Secretary Nirmal Hari Adhikari, MoF Under-Secretary duo Kedar Prasad Paneru and Chandra Prasad Shrestha and Bandhu Ranjan from DFID and journalists representing several media spoke on budget transparency including the issues and contents of pre-budget statement and citizens budget at the meeting.

All in all, the consultative meeting has provided several inputs in further developing the frameworks of pre-budget statement and citizens budget in Nepal.

Until people get adequate and timely information about government's priority they cannot participate in the budget process and room for the misuse of public money is created.

# Gradual adherence to RTI

## Lack of Information Commissioners at NIC Delaying Justice



Dhrub Jha

Freedom Forum has been continuously providing support to the people seeking information of public importance from any public agency throughout the country. Whether it is through training or through practical suggestions, the FF has benefitted many youths thereby making them able to seek information and disseminate the news of the malpractices in the public agencies divulged through the information-seeking. There are many rights to information (RTI) campaigners trained by the FF working actively in different parts of the country. Considering the RTI waves they have created through the information-seeking and RTI discussions and orientations, we have selected **Ganesh Baniya** from



Ganesh Baniya

Jajarkot, a district in remote mid-western region of the country, and **Dhrub Jha** from Janakpur, a city in the southern plain of the country for updating people about their activities that have not only made the respective people aware of their right to know but also helped hold the public agencies accountable to the people. Both **Baniya** and **Jha** were trained for a week on 'practical use of RTI' by the FF two years back.

### How many people did you train/provide orientation on RTI so far?

**Ganesh Baniya (GB):** 300, especially the youth ones.

**Dhrub Jha (DJ):** More than 1,000 including government officers, security persons, VDC secretaries.

### How many public agencies (government offices) have information officers in your district now?

**GB and DJ:** In almost all offices.

### How many information did you request for in your district, and how many you received so far?

**GB:** As many as 100, but received nearly 30 information easily.

**DJ:** More than 100, but got very few because most of the information was related to economic activities.

### Can you explain the kinds of information you sought?

**GB:** Yes, the information I sought were related to people's day to day concerns, as health, education, budget on education, distribution of books, distribution of food grains, contract on agricultural supply, revenue collection. The information was sought at different VDC to district level public agencies as VDC offices, District Education Office, District Administration Office, Office of District Food Depot, District Water Supply Office, Office of Water-Induced Disaster and Control, Inland Revenue Office. **DJ:** I too sought the similar information Mr GB sought. I focused especially on the information related to money, transaction, project budget, expenditure of budget, and revenue collection.

### How have the people taken your campaign?

**GB and DJ:** Very positively. They've been aware of their rights to know. They've praised us. The development related projects have popularized our campaign. Media too have given space.

### How about the public agencies?

**GB and DJ:** Radical changes there are. Most of these offices have IOs; give due respect to RTI campaigners, have been aware of RTI Act. They have realized the people's power in deed. Many offices (in Dhanusha) have updated information of projects and notice through websites. But still, they don't provide information related to economic activities quickly.

### What's the difficulty in your campaign?

**GB and DJ:** Yes, lack of commissioners

in the NIC has been a big hindrance to our RTI campaigns. If there were commissioners in NIC, our complaints and appeals could be heard on time and got information accordingly.

### What did you learn from RTI campaign?

**GB and DJ:** Only implementation of RTI can help maintain good governance and hold the public agencies accountable. It is indeed a medium to remain in close contact with people.

### What's your future plan?

**GB:** I'll train more and more youths, reach every vdc and make every youth theoretically and practically perfect on use of RTI.

**DJ:** I'll devote my life to the RTI campaign. I've unwavering commitment on it.

From Page 6

### Effective and Innovative ...

is that the Open Data should take advantages of legal framework and provision of RTI while the RTI community should embrace the benefits of Open Data and appreciating the digital means and innovation,

The briefing paper 'Open Data and Journalists' sheds light on open data and Nepal's development, the role of journalists and data journalism, key challenges and recommended solutions. Among various recommendations are - building capacity of the journalists through measures like setting up a data desk to support them in searching, analyzing and interpreting data and incubating a tech fellow in the media house to work with journalists to help make visualizations and other necessary technical support.

### New Publications: Budget Journalism

Freedom Forum has lately come up with a publication Budget Journalism. It is a compilation of news stories on public finance management. There are a total of 16 stories by the journalists working at various media including the news agency. The news stories have divulged financial malpractices, policy faults, misuse of budget, lack of transparency in budget management and indecisions on economic sector, which have direct effects and impact on nation's economic development. Some stories included in the compilation are 'zero expenditure at several development projects', 'homework for budget ceiling for coming fiscal year', 'citizens' dream: Red Book' 'taxpayer unaware of their tax', and 'journalists' access to budget information'. The compilation is published as a product of the implementation of project funded by Centre for International Studies and Cooperation (CECI)/PRAN.



# Nepal's Press Freedom: Words of Praise

Ten years ago in Nepal the freedom to express opinions freely was frequently challenged or denied. In the last decade there has been remarkable improvement, and although challenges remain, as they do in all countries (nowhere should we rest on our laurels) the situation in my opinion is both positive and heading in the right direction

Since coming to Nepal one year ago I have been extremely impressed by the freedom of the press and expression I have found here. At its best, Nepal's media can stand shoulder to shoulder with its peers in the UK.

Over the last year I have seen intense debates over the key issues of the day taking place on the editorial pages of the leading newspapers. To cite the example of recent weeks, controversial issues such as the right way forward on transitional justice or the proposed appointments to the Supreme Court have been debated freely in the press, with opposing views staring each other down across the columns of the editorial page. All shades of opinion have found free expression, and this is hugely important.

In my opinion a free press is fundamental to developing good governance and transparency. As Nepal seeks to graduate to middle income status, a free press will only become more important. A free press and the free flow of opinion and ideas it facilitates is one of the bedrocks of democracy and



**Andy Spokes**

is essential to the development of a vibrant, innovative economy.

In the coming year, Nepal's leaders will rightly seek to complete the peace process and deliver a sustainable political settlement for the country.

The process of drafting a new Constitution will throw up a range of complex and interconnected problems to which there will be no clearly right or wrong answer, merely a range of possible answers on which there will be a need for compromise. As a friend of Nepal, representing a country that has enormous goodwill towards you and that wants to see you succeed in this national task, I am confident that the media will play host to exactly the kind of free and vibrant debate that will help navigate a clear path to a lasting political settlement. One that sticks.

Such a settlement is necessary for Nepal to reap the economic dividends of peace and grow at the pace it needs to in order to break out of poverty and reach middle income status.

Once these fundamentally political questions have been settled, the media will play host to equally passionate and complex debates on economic growth: what kind does Nepal want, how should it proceed, who will benefit and how to ensure the benefits are divided fairly?

The path to prosperity will throw up just as many conflicts of interest and stark differences of opinion as the path to peace did.

A free media will remain central to

managing these. The debate will be every bit as emotionally charged and every bit as important to the future of Nepal as anything we have seen so far. It will in a very real way help shape the future of Nepal and its people.

It is crucial that everyone is able to play a full part in this process. The freedom of the press is built upon principles of mutual respect. A famous quote, often but perhaps mistakenly attributed to the great enlightenment philosopher Voltaire, sums it up nicely:

"I disapprove of what you say, but I will defend to the death your right to say it". Of course there are legitimate limits to freedom of speech – it is unacceptable to incite violence or racial hatred for example – but broadly speaking the more diverse the range of opinions expressed the more able is a society to land upon the right solution to a problem.

Ten years ago in Nepal the freedom to express opinions freely was frequently challenged or denied. In the last decade there has been remarkable improvement, and although challenges remain, as they do in all countries (nowhere should we rest on our laurels) the situation in my opinion is both positive and heading in the right direction.

In the next ten years, maintaining and continuing to build on that hard won freedom will pay dividends as Nepal's economy takes off.

**\*Spokes is the British Ambassador to Nepal**  
(Source: The Himalayan Times Daily, 3 May 2014)

## We're Near Justice: Jyoti, Nabin

We- reporters with the Avenues Television- are happy to share with all working journalists in the country that we have waged almost 10-month-long struggle and are now nearing the justice- respectful restoration to job with due remuneration as compensation. The battle was against the TV owner/management, as we were sacked on illegal ground.

Although we were practically forced to quit the office (for the owner did not allow us to work by preventing from entering the office following his manhandling to me- Nabin Dhungana) since July 23, 2013, it gave us the letter of legal sacking on October 21,2013 reasoning our continuous absence in the office.

After the manhandling and sacking, the news were rife in different media which pressed the Avenues TV to hear our problem but in vain. We just wanted to return and join office on a condition TV owner Bhaskar Raj Rajkarnikar apologized for manhandling, misbehaviour and sacking without any ground, but the he turned deaf ear. It made us visit many places in quest of justice.

In this period, we not only held talks with



**Jyoti Saha**

**Nabin Dhungana**

the management time and again but also visited more than 30 officies including Department of Information (Dol), Office of Press Registrar, Labour Office, Labour Court and NGOs working in the sector of journalists' rights, so that we could seek help and suggestions for our rights. We were despair in the middle of the struggle, as we were pennyless, but had to make documents and submit to the court time and again. However, our determination to get success overcame the impatience.

After we filed a case (No 394) at the Labour Office on August 11, 2013 in accordance with Section 73.1 of Labour Act 2048 , it wrote to the TV asking the reason of not giving salary to us, and to submit verified documents if had given.

But the TV did not respond properly.

Moreover, we also filed complaint at the Dol. It invited both sides for discussion. But the TV management did not appear at the Dol.

Interestingly, we learnt that the TV management had sent letters to our permanent address- to our homes, accusing us of breaching rule, and asking why it could not take action against us. We, as per our legal advisor, challenged the TV that it could not ask us for clarification.

We finally reached the Labour Court, Kathmandu. The court sought both sides for hearing with necessary documents time and again. As we were committed, we continued the legal process. We had every documents to substantiate our stand. Overcoming anguish and chagrin, we are due to get the justice on May 16, 2014 BS.

Our struggle, we think, is not only for we, two, but for all working journalists who are not paid, low-paid and untimely paid. It is the protest against the hostility of media owner to his/her employees. At the same time, it the protest to make the media house friendly to the media persons/employees.

## Commitment to ...

Police Office and Nepal Army), District Bar Association, National Human Rights Commission Regional/District Office, Federation of Nepali Journalists (FNJ) District Chapter, Information Sector Service Centre (INSEC) Office, Women Rehabilitation Centre (WOREC) Representatives, Freedom Forum Local Representatives

Some findings of the dialogues were:

- a. Although the journalists were said to have exercised full freedom, in reality, they were insecure and unsafe
- b. The state agencies including security body, judiciary and administrations in the respective districts are fully committed to FoE and journalists' safety. But they were in need of translating verbal commitment to action
- c. They would help promote FoE regime in cooperation with journalists, FoE practitioners
- d. Very few cases are filed in the legal bodies on violation of journalists' rights.
- e. In most of such cases, the decision has come in favour of journalists
- f. Cooperation and coordination among journalists and rights defenders could boost FoE
- g. The relations between journalists and common people need to be strengthened
- h. Political protection to the attackers on journalists must come to end
- i. The state agency, especially must be very aware of journalists' rights
- j. Police administration needs to remain aloof from the political pressure during investigation
- k. The chances of journalists' getting attacked, or threatened is high when the security body is weak and state is in transition

- i. The training, orientation and refresher on journalists' rights should be provided frequently to the security persons so they could be aware on such issues.
- m. The state agencies should treat the FoE as the major human rights to enable democratic culture

The dialogue among state agencies for Protection of Free Expression and Journalists' Rights' was conducted under the project, Increasing Safety of Journalist funded by UNESCO, Kathmandu.

In addition to the dialogues in six districts, even the pre-survey and post survey on perception level of the State Agencies on FoE issues were conducted. The low level of understanding of FoE issues in the pre-survey among the State agencies was significantly changed in the post-survey conducted after the dialogue.

The survey questions included the issues related to constitutional provisions, UDHR/ICCP provisions, UN Action Plan on Safety of Journalists and Issue of Impunity, Media Development Indicators, national laws/code of ethics, and obligation and performance of law and justice enforcing institutions for freedom of expression and journalists' safety. As many as 50 officials from the public agencies participated in the survey.

Categorically analysing, although most the participants had knowledge on the question: Is the right to freedom of opinion and expression guaranteed in Nepal's Interim Constitution of Nepal 2007? The confusion some had was no more after the dialogue. Similarly, regarding the question: Is there any provision of limitation on freedom of opinion and expression? Yes/No- the post survey has shown positive development as the pre-survey had quite discouraging response. Most of the respondents knew about the constitutional limitation on the FoE issues. As many as 21 persons clearly mentioned the constitutional limitations.



The questions regarding the UDHR and ICCPR also showed remarkable improvement. More than 90 percent responded well that the FoE, press freedom and right to information were enshrined in the UDHR and ICCPR.

Resource person and Chairman of the Freedom Forum, Taranath Dahal made presentation on 'FoE: concept, and national and international mechanism' while another resource person and General Secretary of the Freedom Forum, Dharmendra Jha on 'State of Journalists' Safety in Nepal' and Project Coordinator at UNESCO, Laxman Datt Pant about objectives of the project.

With the dialogues, some needs were realized on different parts: as refresher course to raise the level of understanding of the existing legal provisions among the state agencies, media literacy for citizens' awareness on FoE issues, ample security to avoid self-censorship and ensure reporting, dynamic civil society efforts, thorough analysis and verification of press freedom violation, greater pressure against impunity and need of reform on investigation and prosecution and strengthening the role of security bodies, rights defenders and judicial bodies' role on protection and promotion of FoE.

Above all, the dialogues on FoE issues and journalists' rights among the state agencies became very informative and functioned as refresher to them. It was very positive to note that the officials from the judicial agencies attended the dialogue which would help play constructive role on augmenting FoE practitioners. The dialogues have obviously sensitized the stakeholders on how they could ensure security to journalists and other freedom of expression practitioners.



## Congratulations!

Freedom Forum Chairperson Taranath Dahal has been honoured by Parbat Chapter of Nepal Press Union recently. The letter of honour read: Mr Taranath Dahal, former president of the Federation of Nepali Journalists (FNJ), and now Chairperson of Freedom Forum, and a senior journalist, who has been untiringly working for democratic

values, journalism with social justice and press freedom in Nepal for three decades, has been conferred on the FELICITATION LETTER in recognition to his contribution to Nepali journalism on the occasion of the 23rd Establishment Day of Nepal Press Union. Your active campaign for the sake of peace, democracy and press freedom is still anticipated.

### FF in Forums

- Freedom Forum Chairperson and General Secretary at Nepal Chapter of International Press Institute, Taranath Dahal participated in IPI World Congress held in Cape Town, South Africa from 12 to 14 April 2014.
- Executive Director Krishna Sapkota participated in the Open Government Programme: Asia Pacific Regional Conference held at Nusa Dua, Bali, Indonesia from 4 to 8 May 2014.

# Self Disclosure Updates

Type and Nature of Organization	NGO working for Democracy, Right to Information, Freedom of Expression, Human Rights and Governance, Public Finance Management and open data		
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	<p><b>Krishna Sapkota:</b> Executive Director, Management head of the organization, coordinates overall organizational and project Affairs (Development and Implementation)</p> <p><b>Anirudra Neupane:</b> Program Manager, Manages program affairs and Performs responsibilities as the Information Officer.</p> <p><b>Narayan Ghimire:</b> Media Monitoring Officer, Blog operator of Nepal Election Channel</p> <p><b>Aruna Adhikari:</b> Finance Officer</p> <p><b>Dan Bahadur Karki:</b> Program Assistant</p> <p><b>Manju Ojha:</b> Media Monitoring Assistant</p> <p><b>Trishna Dhakal:</b> Admin Assistant / Receptionist</p> <p><b>Basanti Thapa:</b> Office Assistant</p>		
	<b>Project Staffs:</b> Freedom Forum Hires Short Term Project Staffs based on Need of projects		
	Project Name	Supporting Agency	Date of Signing the Contract
	Exploring the Use and Impacts of Open Budget and Aid Data in Nepal	World Wide Web Foundation	11-Mar-13
	Facilitating Accessibility and Promoting Transparency of National Budget for Public in Nepal	PRAN/CECI	31-May-13
	Training on anti-corruption issues to the joint Youth and Student Platform organisation	DEMO Finland	25-Feb-14
	Strengthening Capacity for Citizen Input on the Electoral Process	INTERNEWS	20-Jun-13
	Enhancing Open Nepal Platform	Development Initiative	21-Nov-13
Project Information	Increasing Safety of Journalist	UNESCO	20-Jan-14
	Open Budget Survey 2014	International Budget Partnership	5-Apr-14
	Local Governance Action Research Project (Phase II)	The Asia Foundation	25-Apr-14
Services Offered/ Activities Carried Out	Research, Media Monitoring, Advocacy, Trainings, Meetings, Workshops, Seminars and other Campaigns to promote issues of Democracy, Right to Information, Freedom of Expression, Human Rights, open data and Governance and Legal Support to Journalists.		
Responsible Authority	Chairperson: Taranath Dahal, Executive Director: Krishna Sapkota		
Decision Making Process	<p>General Assembly : Making policies, rules and regulations of organization</p> <p>Executive committee: Formulation and Action Plans as per constitution of organization, rules and regulation</p> <p>Management team: Running projects and daily operational affairs and reporting timely to the Executive Committee.</p>		
Past and Current Activities	<p>Please follow the link: <a href="http://freedomforum.org.np/content/activities/completed-activities.html">http://freedomforum.org.np/content/activities/completed-activities.html</a></p> <p><a href="http://freedomforum.org.np/content/activities/current-activities.html">http://freedomforum.org.np/content/activities/current-activities.html</a></p>		
Name of Information officer	<b>Anirudra Neupane</b>		
Financial Information	<p>Freedom Forum received grants amounting NPR 8678053.92 from different donors in F/Y 2012/13. Follow the link for detailed information</p> <p><a href="http://freedomforum.org.np/content/publications/reports/finacial-reports.html">http://freedomforum.org.np/content/publications/reports/finacial-reports.html</a></p>		
Official Website	<a href="http://www.freedomforum.org.np">www.freedomforum.org.np</a>		
Publications of Freedom Forum	<p>Freedom Forum has about 50 Publications (Printed) Please Follow the Link:</p> <p><a href="http://freedomforum.org.np/content/publications.html">http://freedomforum.org.np/content/publications.html</a></p>		
Activities Carried Out Last Year	<p>The Annual report of F/Y 2012/13 depicts the information in this regard. Please, follow the link below:</p> <p><a href="http://freedomforum.org.np/content/publications/reports/annual-reports.html">http://freedomforum.org.np/content/publications/reports/annual-reports.html</a></p>		
Mechanism for Information Dissemination	<p>Websites: <a href="http://www.freedomforum.org.np">www.freedomforum.org.np</a>; <a href="http://www.nepalpressfreedom.org">www.nepalpressfreedom.org</a>, <a href="http://www.nepalelectionchannel.org">www.nepalelectionchannel.org</a></p> <p>Newsletter: Free Expression</p>		

# Rule of Law

## to Ensure Safety of Journalists and Combating Impunity

The rule of law is a prerequisite for, as well as an outcome of, a successful development agenda. For the UN, the rule of law refers to: "a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards."

The report of the High-Level Panel on the post-2015 development agenda noted that "the rule of law, freedom of speech and the media, open political choice and active citizen participation, access to justice, non-discriminatory and accountable governments and public institutions help drive development and have their own intrinsic value. They are both means to an end and an end in themselves".

The rule of law is fundamental to the stability and smooth functioning of society. Only when the rule of law is respected can citizens have confidence in democratic process over the long term and invest in the sustainable development of their society. The news media have a crucial function as the sector of society most able to promote vigilance towards the rule of law, especially through fostering investigative journalism, promoting the openness of court, legislative and administrative proceedings, access to officials and to public documents. The government has a key role here in protecting the independence and pluralism of the news media, especially during critical moments of these processes.

The rule of law is especially important in regard to protecting the right to freedom of expression for everyone. Security must be especially guaranteed for those UNESCO describes as "journalists, media workers, and social media producers who generate a significant amount of public-interest journalism". When these persons suffer crimes committed on account of their use of freedom of expression, the authorities must react swiftly and the perpetrators must be brought to justice in accordance with proper judicial process.

Development is damaged when journalists (as well as citizen journalists), editors, publishers and online intermediaries alike are subjected to political or financial coercion and manipulation. Whistle-blowers as sources for journalists are also persecuted, even though corrupt practices they report on are by definition at odds with development. Journalists who investigate corruption often face severe reprisals as corrupt officials threaten their place of work, their families and their reputation. The greatest harm to development is the killings of journalists. More than 600 journalists have been killed in the last ten years. It is not possible to speak of good governance when some of the most visible members of society, those who are responsible for bringing information and news to the public, are being murdered on average at the rate of one each week.

### Media Freedom for a Better Future: Shaping the Post-2015 Development Agenda

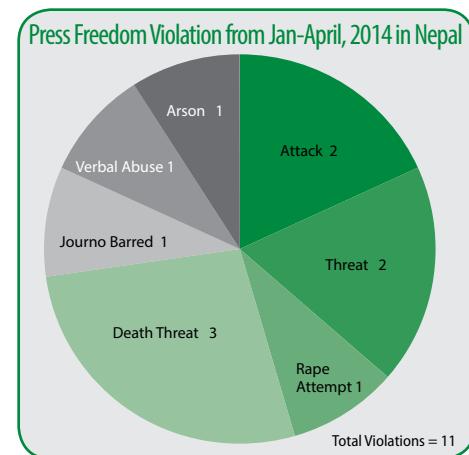
A free, independent and pluralistic media environment, online and offline, must be one in which those doing journalism can work safely and independently without the fear of being threatened or even killed. Development needs to be an environment where attacks, intimidations, harassments, abductions, arbitrary imprisonments, threats and killings of journalists are rare exceptions and not the norm, and where any violations are properly dealt with under the rule of law.

The UN Plan of Action on the Safety of Journalists and the Issue of Impunity is a relatively new factor on the international stage of high significance to the problems of journalism safety and impunity. The Plan was conceived in the UNESCO International Programme for Development of Communication (IPDC) Council meeting in 2010 and was later endorsed by the United Nations Chief Executives Board in April 2012. It has the specific goal of mobilizing the UN family of agencies as well as other stakeholders

including governments, regional organisations, NGOs and media houses to collaborate in creating a safer environment for journalists.

There is enormous potential in the UN Plan of Action in bringing the full weight of the UN to bear on the challenges, and in being a point of reference for others who share the concern to turn the tide. Already we are seeing the various UN mechanisms moving in a direction that contributes to the progress of the UN Plan of Action. Fundamental to the Plan is the insight that the experiences in one country or region can be useful for others trying to improve the safety of journalists. Compilation and sharing of up-to-date information and best practices and conducting international missions and investigations into particular cases can be highly beneficial. However, much work is still needed to achieve an optimum level of information exchange and joint learning, and in adapting good practices to different regional and national contexts. World Press Freedom Day 2014 is an appropriate occasion to take stock of these issues.

(Source: <http://www.unesco.org/new/en/unesco/events/prizes-and-celebrations/celebrations/international-days/world-press-freedom-day/2014-themes/rule-of-law-to-ensure-safety-of-journalists-and-combating-impunity/>)



*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. The organization is also working on the issues of public finance management, budget transparency, open data and aid governance, political and parliamentary accountability and electoral reform based on its on-hand experience and learning.*

*Editors: Krishna Sapkota, Narayan Ghimire*

DESIGNED AND PROCESSED BY: PRINTCOMMUNICATION, 4244148



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