



## Debate on Internet Freedom Begins

### Internet Freedom Essential Human Rights

With the technological and policy level deficits, the discussion and debate on internet governance is very new in Nepal. The developed countries have already devised policy and laws on managing the internet governance rising above the focus technical aspects while the developing countries too have clubbed each other to make the internet governance effective with free, secure, open and transparent internet. In addition to the highly developed countries, different developing countries as Brazil, China, South Africa, are extensively making debates on the vast regime of the internet government at the regional forums gathering experts from across the globe.

Anyway, internet freedom, one of its major components of the internet governance, is drawing interest and concerns from diverse sectors in the recent days in Nepal. The relevance of the internet freedom has upped here also because of the growing use of social media and spurts of online portals with the gradual expansion of internet and subsequent stories of the detention of citizen and journalists for their news story and social media comments and other stories of the internet's misuse as cyber harassment and bullying.

With this in the background, Freedom Forum, working for broader aspects of the freedom of expression (FoE) since its establishment a decade back, is all set to augment the debates on the issues of internet governance, especially the internet freedom. In this connection, it organized a talk show on 'International Practices on Protecting FoE and Internet Freedoms' for Nepali stakeholders including judiciary, security and rights advocates, in Kathmandu on March 23.

The talk show mainly featured the views of an international legal and FoE expert, Toby Mendel from an organization, Centre for Law and Democracy, Canada.

In his lecture, expert Mendel broadly spoke on the issues on internet freedom ranging from its technical aspect to the policy and governance. Making elaborate the points of the 'Joint Declaration on Freedom Expression and the Internet' issued by four FoE rapporteurs for UN in 2011, he underscored the need of internet



Mr. Mendel giving a lecture on internet freedoms in Kathmandu on March 23

literacy in the developing country as Nepal, and the well infrastructures, contextual policy and awareness helpful basics to protect one's freedom of expression on internet.

"None can block, throttle, and filter the contents on internet, and ban anyone from browsing any website. It is like other medium of communications. However, for the purpose of the security and investigation, a certain rule needs to be devised on searching one's matters in internet," he said, adding that protection of internet freedom could be augmented once the protection of privacy was finely defined and ensured.

According to him, the internet is a vast regime bringing together the rights defenders to businessmen, policy makers and technical geeks. So, ensuring internet freedoms need wide discussion among multi-stakeholders.

Mr Mendel also said they (Canadians) did not know anything before Snowden revelation. Huge information came to light on their country after the Edward Snowden's revelation.

The participants working in different sectors from security to human rights advocacy put forth queries before him.

The major questions the participants posed before the expert were related to the hassles the Nepali journalists and citizens faced from the security agency because of the Electronic Transaction Act, prevention of the internet misuse as cyber bullying and harassment, surveillance, protection

of data, fine balance between one's freedom, privacy and national security on internet, net neutrality, regulation and control of internet and Internet Service Providers, e-learning, and internet education tips.

Dr Sudhamshu Dahal from Kathmandu University asked: "Can both access to internet and net neutrality go together? How can we maintain balance on these?"

Responding to it, Mendel said, "The concept of net neutrality is the non-discrimination to the internet users in terms of the access and availability of contents on internet, but it is a much debated issue in the internet governance. While talking about one's universal access to internet is the internet freedom, some can buy very fast internet speed while many are deprived of it. With the use of internet by nearly 3.5 billion people across the globe, internet has been used hugely for business, and the business is obviously commercial. Using internet for business purpose obviously has both slow and fast pace of browsing."

Similarly, he said most of the developing countries have been facing the problem created by the laws like that of Electronic Transaction Act of Nepal while guaranteeing internet freedom.

On the occasion, a senior police officer said the Nepal Police was committed to protecting citizen's rights and human rights, in view of the peace and security. As internet is a new thing in Nepal, challenges are a lot. Cooperation from all sides is needed to protect one's rights, he added.

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## Message from Chairperson



Life without internet is unimaginable. Whether it is for media or for business and economy, for advocacy of human rights or for entertainment, use of internet has been growing across the globe. The fastest relay of information is the most valuable benefit of this in addition to the convenience. One of the major achievements of the developments in information and communication technology (ICT), internet has accelerated the globalization. The sphere of internet has widened from the technical glitches spreading across the policy and governance issues. The developing and the developed countries have not only held extensive debates and discussions on the internet governance but also devised necessary laws and policies and set up technical infrastructures to benefit their people, making the internet use meaningful.

Though slow, with the gradual expansion of technology and infrastructures in Nepal, the use of internet has grown. As per the recent update, the internet penetration has reached among 39 percent of the total population of the country. And, it is incremental. The internet is hugely used for spreading information, opinion and expression. Obviously, the best ever medium at present for exercising freedom of expression (FoE) is the internet. So, the internet freedoms are the new and very relevant topics to debate in Nepal too. It is relevant also because the expression on internet- social media and online news portals- have drawn interest and concerns from diverse sectors in the recent days. Initiating debate on internet freedoms and whetting knowledge on it has been essential also because of the untoward behaviours meted out on the citizens and journalists over their expression- news on portals and comments on facebook.

With this, Nepal, also as a country all set to graduate itself to the developing status from the present least developed status, can not avoid the ICT sectors and particularly the protection and promotion of FoE on internet. The access to internet obviously advocates the protection and promotion of the FoE on internet. As universal access to internet now falls under the FoE, Nepal too should come to embrace it at the earliest.

For this, the FoE stakeholders and the State can come together and hold extensive debates so that internet regime would be augmented, thereby protecting and promoting FoE. The focus should therefore be how people's access to internet can be ensured and expanded, making them able to initiate healthy debates and share views and news on any topic of public concern they have on internet along with the protection of rights to privacy. Once the environment for internet freedom is created from both technical to policy levels, it helps on the furtherance of broader issues of the internet governance. To particularize here onto the policy level fault, the Electronic Transaction Act 2006 which has been a tool for the security persons to harass the journalists and citizens using internet for expression, is in dire need of amendment, because the security agency has been using it as 'cyber law' while the objective of the Act is different- to make the business fair. Detainment of journalists for news and of citizen over facebook comments should be treated differently. The cyber crime without cyber law is a ridiculous matter. Freedom Forum as a civil society organization advocating untiringly for FoE, which is a pillar of the democratic system, urges the State and the bodies concerned to make homework to bring new policies and amend the old ones in line with the universal access to internet and the FoE practice on internet. The new policies are also necessary to make internet free, transparent, safe and secured, and to avoid the misuse and various crimes including cyber harassment and bullying. Along with this, the ICT literacy, especially the internet literacy has been an urgent need in our country. FF is always ready to extend full support and transfer knowledge, so that this issue would reach the policy level and draws larger attention.

**Taranath Dahal**  
Freedom Forum

## Regional Pledge to Strengthen RTI

A two-day meeting of Transparency Advisory Groups (TAGs) for South Asia held in Bangladesh capital Dhaka on 18-19 February pledged support to the establishment and evolution of a right to information regime in each country of the region.

Two volumes of a book under the title "Empowerment through Information: The Evolution of Transparency Regimes in South Asia" containing articles, reports, surveys and case studies on RTI in South Asia were launched at the inaugural session of the event.

In the workshop jointly organized by Research Initiatives Bangladesh (RIB) and Transparency Advisory Group (TAG), over a hundred participants resolved to join hands to promote RTI for public good in the region and collaborate with other regions of the world to strengthen transparency regime at the global level.

The workshop also dwelt on several cross-cutting issues in South Asia ranging from media and RTI, private sector and RTI, gender concerns and awareness levels, backward and forward linkages of RTI and political parties and RTI and rendered recommendations for future course.

Presenting a paper on State of RTI in Bangladesh, RIB Chairperson and TAG Co-chair Dr Shamsul Bari said, "Adoption of RTI Act-2009 was hailed as a harbinger of new era in Bangladesh. It has raised hope that the age-old culture of secretive governance will be replaced by open, transparent and accountable governance".

TAG's Co-Chair Shekhar Singh presented an overview of the RTI in South Asia, its challenges and prospects stressing the need to create pressure on public agencies to proactively disclose information.

While presenting "State of RTI and Future Directions in Nepal", Freedom Forum Chairperson and TAG Steering Committee Member Taranath Dahal and journalist Binod Bhatarai said the RTI has come a long way to be the part and parcel of social movements for transformation in Nepal.

Taking part in different sessions, Chief Commissioner of the National Information Commission Krishna Hari Baskota, RTI expert Dr Ram Krishna Timilsina and FF Executive Director Krishna Sapkota shared progress and future direction of RTI in Nepal to make it work as an effective tool.

Similarly, representatives from Nepal, Sri Lanka, the Maldives, Bhutan, Pakistan and India had delivered their country experience.

TAG emerged as a forum for exchange of knowledge, experience and strategy among RTI scholars, practitioners and activists from South Asian countries who are committed to the advancement of transparency and accountability in governance in the region. Transparency Advisory Group ([www.transparencyadvisorygroup.org](http://www.transparencyadvisorygroup.org)) was set up with support from the World Bank.

TAG meetings have been held in Kathmandu, Nepal in March 2011; Patna, India in March 2012; Thimpu, Bhutan, in May 2012 and Bangkok, Thailand, in January 2013. ■

# Press Freedom Violations

## Political Protesters Attack Journalists

As the deadline to promulgate new constitution (Jan 22) was drawing closer, various political parties began organizing banda (general shutdown) in the name of pressure tactic for consensus-based constitution. The banda not only paralyzed the normal life but also left the journalists at the receiving end.

During the general strike called by the major opposition- Unified Communist Party of Nepal (Maoist)- on January 13, Sushil Bandhu Thapa, a journalist affiliated to the Sagarmatha Television, was attacked by the protestors in Bhaktapur district.

According to journalist Thapa, he was riding a motorcycle and collecting news about the effects of the general strike, but the protestors attacked him, saying why he operated vehicles as there was the strike. He however escaped injury.

### 12 Cases of Violations on Jan-20 Maoist Party's Strike

Freedom Forum recorded a total of 12 incidents of press freedom violations which were perpetrated by the banda (general shutdown) organizers in different parts, including the capital city, of the country on January 20, just two days ahead of the deadline to bring constitution. The general strike was called by 30-party alliance led by the major opposition, former rebellion, Unified Communist Party of Nepal (Maoist), as a pressure tactic for consensus-based constitution. During the banda, the media persons, and media houses faced hard times, all because of the banda supporters. They not only manhandled and spoke foul on reporters, but seized recorders, news papers and vandalized and set on fire the press vehicles. To chronicle,

#### Torch/Vandalism

- 1) A vehicle carrying news print paper of the Kantipur daily burnt at Bharatpur, Chitwan, a city in the central plains of the country,
- 2) Another vehicle carrying the Kantipur and the Kathmandu Post dailies torched in Siraha, southern plain of the country,
- 3) Kantipur and the Kathmandu Post dailies seized and burnt in the same district,
- 4) Vehicle belonging to the Mountain TV vandalized at Bizulibazar of the capital city

#### Manhandle

- 1) Mountain TV's cameraperson Srijana Kuikel and reporter Sirjana Thapa
- 2) Cameraperson of the Himal weekly, Devaki Bista
- 3) Journalist with Associated France Presse (AFP), Upendra Man Shrestha
- 4) Chhaya Chandra Bhandari, Editor at News Abhiyan daily
- 5) Reporter with the National News Agency (RSS), Bhishma Raj Ojha
- 6) Journalist of Sandakpur daily from Ilam district, Tika Kathiwada

These incidents occurred in the capital city, Kathmandu.

#### Threat of Attack

- 1) The Image Channel TV in the capital city
- 2) The Annapurna Post Office in the capital city

These media houses were threatened of attack by alleging of reporting negatively on the protest organizing parties. ■

### Public Threat to Journalists in Capital

On January 22, leader of the Unified Communist Party of Nepal (Maoist), Agni Sapkota, publicly issued threat of actions to Tanka Pant, editor with the Nepal Samacharpatra daily published from the capital city.

"Our party has every record which journalist is writing what kind of news. The party will certainly take action against such journalists," said editor Pant, quoting leader Sapkota.

The media persons were gathering the news on the party protest programmes.

Despite being a responsible leader of one of the big political parties in the country, such views are unsuitable in democracy. This is the gross violations of press freedom.

It was quite abhorring that the UCPN (Maoist) was labeling threat of action on the journalists, who covered news the political developments. Maoist parties though come in open politics are in need of abiding by the democratic principles- respect to freedom of expression and press

freedom. It must respect the healthy criticism the media makes on its activities. The threat is the suppression on press freedom.

**Death Threat:** A district cadre of the Communist Party of Nepal (Maoist), Durga Kafle, issued death threat to Bishnu Prasad Neupane, a reporter with the Gorkhapatra daily from the district, on January 23, over the news on the general shutdown the Maoist-led alliance organized.

Journalist Neupane informed that he had written news about the strike in local Manma bazaar of the district, and the Maoist cadres threatened him of taking life over it.

Seeking security and safety, he had to file applications at the District Administration Office and District Police Office.

Astonishing it was that Kafle was learnt to the district treasurer of the Federation of Nepali Journalists (FNJ).

It is indeed the erosion of ethics and turning terrific to fellow journalists is another point to denounce. ■

## Security Persons Attack Journalist

On February 22, security persons pelted stones targeting a journalist during a protest in Bara, a district in southern plains of Nepal.

The security persons pelted stones to Ganesh Rijal, reporter with the Mountain TV, while he was visualizing the demonstration of the general public who were demanding extension of the public service offices at a local Simara bazaar of the district.

Reporter Rijal said the police persons pointedly attacked him with stones despite sporting the journalist's accreditation card.

He added the police also seized a camera of another fellow journalist, Sunil Gaunle, who is a reporter to the Naya Patrika daily from the district.

However, the police persons returned the camera later. Reporter Rijal sustained minor injury on leg.

**Attack:** A timber trader named Prakash Rai from Nuwakot, a district neighbouring to the capital city, attacked Ramhari Neupane over the news reporting on smuggled wood on January 22.

Reporter Neupane said, "I had made a news story on smuggling of wood by a timber trader Rai, which was broadcast on television. For the follow up, I went together with a team from the district forest office which was raiding the timber shop. But owner Rai, all of a sudden attacked me with fist and kicked, saying why I made the news without asking him."

He added that he escaped the injury shouting for help from the locals. Owner Rai attacked reporter Neupane when the forest office employees were inside the timber shop. ■

### Death Threats

Jitendra Kumar Jha, reporter with the Nagarik daily, from Saptari, a district in the southern plains of Nepal, was issued a death threat on February 6. Reporter Jha said that a person calling himself Manoj Yadav called him over the phone number 9807708817 and said on Monday night, "I've entered your district from the neighbouring country to finish you off. I'll kill you at any place I meet you."

"Although I tried to know the reason behind the death threat, he did not tell me anything but one-sidedly chattered and spoke foul on me and labeled death threat," reporter Jha shared the woes, adding that even the security body was not giving due attention to it.

Similarly, on January 24, Prem Bahadur Shrestha, an agent at Raj Overseas of Jhapa, a district in the eastern plains of Nepal, issued a death threat to Bishnu Prasad Poudel, a reporter with a local Purva Sandesh daily over a news report on confiscation of passports by the company. ■



## Threat to Party Leader for His Views

Protesting against his views broadcast on a television, the agitating 30-party alliance led by the Unified Communist Party of Nepal (Maoist) warned of preventing standing committee member of the Communist Party of Nepal (UML), Satya Narayan Mandal, from entering his home district, Saptari, on January 16.

In an interview to the Himalaya TV on January 15, leader Mandal had said the hills could not be separated from mountain and southern plains while federalizing the country. Protesting this very view, the 30-party alliance warned leader Mandal of not allowing him to his district. Freedom of speech/expression is the fundamental rights of citizen enshrined in the constitution, so protesting Mandal's views and threatening him was against his right to free speech and the rights to free mobility.

In a democratic state, freedom of expression is respected. But, in the name of their rights, the 30-party alliance was threatening others' rights. ■

## Media House Pays Journalists for Sudden Closure of News Service

The oldest news portal of Nepal, www.nepalnews.com, relieved 18 journalists from the job without prior notice in the second week of January.

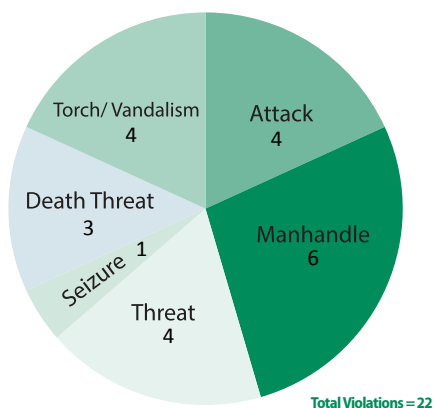
The news portal with 17 years' of history suddenly asked the journalists to leave the office, reasoning it could not survive on financial ground. With this news update was stopped.

As a result, the journalists were left in lurch, and had to stage sit-in for nearly a week.

To this, senior reporter with the news portal, Rajendra Pokhrel, had said, "A letter by the Media House Chairperson was read out to us, urging to leave the office, as it could not afford us anymore. It then suspended the news portal making us jobless."

However, their agitation made the management to seek practical solution. Finally, it addressed their financial security and professional rights, paying them for the sudden suspension of the news upload and updates. ■

Press Freedom Violations from Jan to March 2015



## Cowardice Assault on Free Speech

Freedom Forum, with deep grief, vehemently condemns the brutal late-morning shooting at the offices of the French satirical magazine Charlie Hebdo in Paris- the cowardice attack on free speech-, on 7 January 2015.

The incident of lethal attack in which 12 people including publisher, cartoonists and chief editor of the media outlet were massacred is a brazen assault on freedom of expression and democracy.

A group of armed gunmen burst into media outlet office and launched attacks for allegedly outraging Muslims with cartoons of the prophet Mohammed.

The militant attack on free speech practitioners in French soil has hurt the sentiments of all those who have belief on people's right to freely deliver and disseminate ideas and expressions.

### Charlie Hebdo Attack

FF expresses solidarity for the condemnation of heinous crime against media and support to the fight for the right of free expression across the globe.

The disgusting attack has spread a shockwave among the freedom of expression practitioners and activists from across the world. It is the reflection of attack on free speech throughout the planet.

FF also extends deep condolence to the bereaved family members, well-wishers and freedom of expression activists and extends tribute to the departed souls.

Also, the FF's solidarity is on the institutions and people across the globe, which are sympathizing, and grieved at over the gruesome attack on Paris media. ■

## Case on Corruption Reporters Quashed after Criticism

To an example of how the investigative reporters become the target of public agency has been observed lately in Nepalgunj, a city in the mid-western region of Nepal.

In the late February, a case of public offence was filed against two journalists, reasoning they did not provide news source (video clips) for the anti-corruption body.

The District Police Office of Banke initiated the case under public offence against Tilak Gaunle, reporter for the Sagarmatha Television, and Chhetranath Devkota (Akash), reporter for the Mountain Television, under the direction of CIAA (Commission for Investigation of Abuse of Authority), reasoning that they did not provide the video clips they had taken while the police persons were taking bribe on the night of February 6.

"Since the District Police initiated filing of case against us, we were forced to escape the police arrest and are continuing hiding. We had visualized the bribe taken by the police in the night, but, did not provide the footage as it was our right to protect the news source, and we were doing the investigative journalism," reporter Devkota had said to Freedom Forum on March 2, adding that they remained panicked during this period.

### Investigative Reporters On Target

Reporter with the Kantipur daily, Rajendra Nath, and another senior journalist in Banke, Sukrarishi Chaulagain, confirmed that the police had initiated the case and was still searching the hiding journalists.

Meanwhile, when inquired on March 2 whether the CIAA had directed the District Police Office of Banke to initiate the case, the CIAA Spokesperson Begendra Poudel flatly denied the media reports, saying it was false because the CIAA had not directed any agency to file case against journalists.

The pressure on the reporters to disclose the news source (video clips) was unethical and against the principle. None can force the reporter to reveal the news source. If the journalists are compelled for this, how can be a fair and professional journalism encouraged? So, CIAA's direction and police case is a step to suppress press freedom.

Freedom Forum strongly urged the District Police Office to immediately withdraw the case and protect journalists' right to free reporting, and ensure safety to the panicked reporters. With the pressure created from the media fraternity and civil society organization like Freedom Forum, the case was finally withdrawn. ■

## Journalist Bhattarai Found Dead

Ram Prasad Bhattarai 'Sachin', deputy editor with the Barua Times daily of Udayapur district, was found dead in the neighbouring Sunsari district on the night of March 25.

Deputy editor Bhattarai who was also the reporter for the Ujjyalopatra daily of Biratnagar and Aujar daily of Sunsari was found dead at Ward No 26 of Itahari municipality of Sunsari, a district in the southern plains of the country.

According to the reporter for the National News Agency (RSS) from Sunsari, Yam Pradhan, the cause behind the

death of Bhattarai is yet to be ascertained. He has got severe injury on head. In a question whether the death had any link on journalism, reporter Pradhan said, "We, the journalists, and even the police have not found any links to journalism till now."

FF strongly urges the security persons to meticulously investigate into the case whether it had links to journalism.

**Threat of Attack :** Tanka Khadka, reporter for the Karobar daily, was issued threat of attack over the news writing, in Sindhupalchowk, a hilly district neighbouring to the capital city, on January 22. ■

# Vibrant Youths, Proactive IOs to Improve Local Governance

## 683 Persons trained on RTI

Freedom Forum's campaigning for strengthening of right to information (RTI) regime is continuous for the good governance with transparency and accountability in public agencies. With the recent conclusion of the training on 'Enhancing Municipal Governance through RTI', FF imparted training to a total of 683 persons, including 229 political representatives, 277 civil society representatives from different 20 municipalities from across the country. They were trained on practical use of RTI so that they could improve municipal governance through the information seeking and imparting.

The last series of the training was held in Hetauda, a district in the southern plain of the central region of the country on 17-18 January 2015.

The trainings conducted in view of the lack of people's elected bodies in the local level for long and consequent financial irregularities with the hiding of major information resulted in bringing out various sorts of information, which in deed was fruitful to break the asymmetry on access to information. The main objectives of trainings were to enhance governance of municipality through the improved access to information of the concerned municipalities and to reduce information asymmetry among different section of society.

Similarly, a two-day media communication training was organized at Godawari of Lalitpur from January 31 to February 1 gathering 40 persons. The information officers from 20 municipalities and journalists were given the training. The objective of the training was to build

capital city bringing together 59 vibrant youths from the same 20 municipalities. Yes, it was for promoting vibrant, proactive and strong demand side of RTI in the concerned municipalities.

Topick the participants, the municipalities were selected by Institute for Development and Governance (IGD), Freedom Forum and The Asia Foundation in consultation with Ministry of Federal Affair and Local Development (MoFALD) based on geographic location, MCPM results, their budget, population, social and economic indicators and the experience of ministry regarding accountability related initiatives implemented earlier.

The activities mentioned above were conducted under the Local Governance Action Research Project-II, which was a collaborative effort of the Asia Foundation, Freedom Forum and Institute for Governance and Development (IGD).

Twenty municipalities were selected for intervention in this phase. They were grouped into four clusters each spanning five municipalities – Hetauda, Pokhara, Butwal and Dhangadhi.

The contents of the trainings were, concepts and importance of RTI, constitutional and legal



proactive young people capable of demanding information and accountability

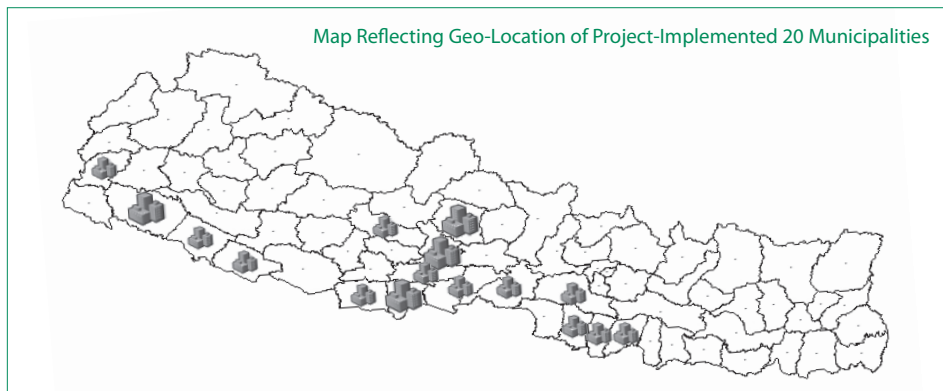
- Strong verbal commitment from the supply side of information i.e. municipality officials to promote access to information for accountability and transparency.
- Within a month of training youths have already started filing RTI applications to municipalities on critical development issues and processes. Ramgram, Nepalgunj, Gulariya, Tikapur, Kalaiya, Siddharthanagar and Dhangadhi municipalities have experienced enhancing demand side.
- RTI applications have been filed by youths in almost all the municipalities. They have started forming network of RTI practitioners in some municipalities including Baglung.

It is worth noting here that in course of the training, a local political leader representing the CPN-UML at Waling of Syangja said he after the training decided to make aware his cadres to solve problems with the use of RTI.

With the completion of the project, some categorical recommendations FF makes are:

- The Ministry Of Federal Affair and Local Development should play coordinating role in making existing or new websites of municipalities populated with fiscal and governance information and make them interactive from the perspective of the essence of proactive disclosure.
- Municipalities should use most effective tools for proactive disclosure of information in the specific local context
- Local political representatives should be trained on RTI and governance as a part of their internal schooling.
- Local media should have separate municipality beat to give space to the issues of municipal governance
- The civil society should contribute to create awareness to citizens regarding their rights and duties to demand accountability and check the municipalities through information requests
- The donor agencies should take the RTI as one of the major and cross-cutting tool for local governance projects planned for municipalities ■

Map Reflecting Geo-Location of Project-Implemented 20 Municipalities



a common understanding between journalists and the information officers (IOs) where the journalists play active role of demand side of information and the IOs the supply side. Once the harmonious relations between these two sides are established, the seeking and imparting of information obviously augments in the local level. And the sharing of information helps bring transparency in the local body thereby holding the employees accountable towards people.

As an additional intervention to the previously conducted programs, two three-day training s (20-22 Feb, and 23-25 Feb) were organized in the

instruments of RTI, proactive disclosure, role of public agencies, information officer and head of organization, information classification, information request, complaints and appeals, role of National Information Commission, budget process and fiscal information of the municipalities, important information with municipalities, issue identification and Information request writing exercise and plan of action for promoting demand for information.

### Some outcomes of the projects:

- Formation of the groups of vibrant and



# Policy Makers' Interface Meet for Better RTI Practice

Freedom Forum organized a daylong interface meeting with parliamentarians and policy makers on March 15 to take stock of the issues and problems surfaced during the implementation of RTI laws in Nepal. The main objective of the program was to inform policy-makers and shapers for necessary changes and reforms in RTI laws and institutions, and collect feedback for effective implementation of the government mechanisms for good governance.

Highlighting the rationale of the event, Freedom Forum Chairperson Taranath Dahal said the lawmakers and policy-makers should come up with proactive measures to remove legal and policy bottlenecks to smooth the RTI implementation by internalizing the essence of RTI use for robust democracy and better governance.

Taking part in the deliberations, Information Officer of Ministry of Information and Communication Puruswottam Tiwari noted that the setup of RTI Central Level Coordination Unit at the Office of Prime Minister and Council of Ministries (OPMCM) and Monitoring Unit at Ministry of Information and Communications is the government's commitment for leveraging the implementation of right to information laws.

He added the government's recently approved working procedure to mobilize district postal offices to monitor appointment of Information Officers in district government agencies and prepare RTI implementation status would enable environment for RTI practice.

Also speaking on the same occasion, Devi Prasad Thapaliya, Information Officer of OPMCM expressed his official view that Nepal is in the front line in effectual enforcement of RTI laws in the SAARC countries. He recommended the policy makers and CA members to take initiation for reforming 400 laws which are against the letter and spirit of RTI laws.

NIC former Secretary Shreeram Pant said the annual reports of the information commission submitted to the parliament as per the law has not once been discussed there for the past five years. He requested the CA members to take prompt initiative to discuss the due reports in the House and direct the government to implement the recommendations of NIC.

Similarly, Chairperson of Society of Information Officers Nepal (SION) – an organization of designated information officers of public agencies at the centre – Sher Bahadur Dhungana urged CA members to come up with activism to push for better RTI enforcement considering its importance for all citizens including lawmakers.

Mr. Khadga Raj Rai, Section Officer of NIC suggested to the CA members to put the NIC as an independent constitutional body in constitution, which makes NIC work easy and support to open regional offices in the parts of the country. He recommended that the punishment should be strong for those who violate the RTI law.



He suggested the government to allocate minimum of 500 thousand budgets for each public agency to use RTI under information officer and ease environment of RTI law implementation.

Nepali Congress (NC) CA member Ram Hari Khatiwada stressed the need that all political parties should support the RTI bid as obtaining right information in right time would ensure rule of law and justice to people.

Dhanamaya BK, CA member from UCPN-Maoist, shared her experience said that she is also not

getting information from public agencies and feel unaware about public welfare works.

Likewise, Dr. Kumar Khadka, CA Member of Akhanda Nepal Party said the people should have rights to see and know all the activities and decisions in democracy as how the government is ruling them. "RTI is the heart of democracy and it is associated with good governance and free criticism for wrongdoings of the public bodies including government".

"RTI orientation is indispensable for all CA members to explore and unleash new avenues of governance and development in the country" – Khadka asserted. He expressed his intent to join this RTI movement and become activist despite having different role in the parliament.

CA member of Madhesi Janaadhikar Forum-Nepal, Dr. Subodh Kumar Pokhrel said RTI being an instrument of democracy is not in practice in parliament – the sovereign body to oversee the entire governance of the country. "The parliament and media should collaborate to ensure citizen's access to information to make them empowered and sovereign". He pledged to raise the agenda for discussing the yearly reports of NIC in the House.

Likewise, Er Satahar Sutihar from Nepali Congress said that democracy thrives in the existence of citizen's access to information of decision-making process around development. "It is unfortunate to know that the CA secretariat refused to provide information on expenditure including stationery bills when requested". ■

## FF Intervention Helps Ensure Information to RTI Requester

On March 13, Arjun Prasad Jaishee, a right to information (RTI) campaigner in Banke, a district in the southern plains of mid-western region in Nepal, reached Nepalgunj Sub-Metropolis with an RTI application seeking information. But, Chief Executive Officer in the Sub-Metropolitan Office, Bishnu Prasad Bhushal, flatly rejected registering the application. The reason he posed was why the requester Jaishee was sending the same application to the National Information Commission at the same time.

Then campaigner Jaishee tried to remind CEO Bhushal about citizen's fundamental rights to information and RTI Act but the later turned deaf ear to implement rights guaranteed by the constitution.

Next day, Freedom Forum, took initiative to facilitate the situation and ensure Jaishee the right to information. The activists in the local level as Bishwojit Tiwari and Rakesh Mishra from Information and Human Rights Centre were mobilized to study the problem closely.

Interestingly, the issue took centre stage at the public hearing program of the Sub-Metropolis Office, thereby compelling the CEO Bhushal to make public commitment that he would receive the information request application.

Not only the local RTI campaigners but also the Commissioner at the NIC was prodded to ensure Jaishee's right to information.

As a result, the application was registered at the Sub-Metropolis Office on March 18.

It is the story reflecting how the public agencies in Nepal are still of secretive nature and want to keep public in dark. FF has been continuously monitoring the hassles and threats meted out against RTI campaigners all across the country. ■

## FF in International Forum

- Freedom Forum Chairperson Taranath Dahal and Executive Director Krishna Sapkota attended the Transparency Advisory Group Meeting 'Empowerment through Information: The Evaluation of Transparency Regime in South Asia' in Dhaka, Bangladesh on February 18-19, 2015. Mr Dahal and Mr Sapkota carried out their role of panelist on the implementation of RTI at regional level.

- Krishna Sapkota from Freedom Forum attended the Transparency Accountability International Workshop 'Tool and Collaborative Action to follow the Money' organized by Open Society Foundations in Berlin, Germany on January 20-22, 2015. Mr Sapkota facilitated a breakout session on RTI and follow ups. ■

## Self Disclosure Updates

<b>Organization's Nature</b>	NGO working for Democracy, Right to Information, Freedom of Expression, Fiscal Transparency and Open Data		
<b>Legal Status</b>	Registered at District Administration Office Kathmandu. DAO Registration Number: 127/062/63, SWC Affiliation Number: 18518		
<b>Location</b>	Adarsa Marga, Prasuti Griha Road, Thapathali, Kathmandu		
<b>Staffs and Roles</b>	<b>Krishna Sapkota:</b> Executive Director, Head of the organization, coordinates overall organizational management, and project affairs (Development and Implementation)		
	<b>Anirudra Neupane:</b> Program Manager, manages program affairs and performs responsibilities as the Information Officer.		
	<b>Narayan Ghimire:</b> Media Monitoring Officer, Blog Operator of Nepal Election Channel, who coordinates media focused initiatives		
	<b>Aruna Adhikari:</b> Finance Officer, looks after accounting and administrative affairs		
	<b>Nodanath Trital:</b> Program Officer, coordinates a project on Right to Information and RTI campaign		
	<b>Kumar Chaulagain:</b> Program Assistant, <b>Manju Ojha:</b> Media Monitoring Assistant, <b>Trishna Dhakal:</b> Admin Assistant / Receptionist, <b>Basanti Thapa:</b> Office Assistant		
	Project Staffs: Freedom Forum Hires Short Term Project Staffs based on Need of projects.		
<b>Project Information</b>	Project Name	Supporting Agency	Contract Signing
	Local Governance Action Research Project (Phase II)	The Asia Foundation	25 March 2014
	Open Budget Survey 2014	IBP	5 April 2014
	Developing Case Study on Data Use by Parliamentarians and Journalists	Development Initiative	January 2015
	Improve Implementation of RTI in Nepal to Promote Good Governance	Governance Facility Program	July 2014
<b>Services Offered/ Activities Carried Out</b>	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, Right to Information, Freedom of Expression, Fiscal Transparency, Human Rights and Local Governance. It also provides legal aid to journalists, media and information seekers.		
<b>Responsible Authority</b>	<b>Chairperson: Taranath Dahal, Executive Director: Krishna Sapkota</b>		
<b>Decision Making Process</b>	General Assembly : Making policies, rules and regulations of organization Executive committee: Formulation and Action Plans rules and regulation as per constitution of organization Management team: Running projects and daily operational affairs and reporting timely to the Executive Committee.		
<b>Past and Current Activities</b>	Please follow the link: <a href="http://freedomforum.org.np/content/?page_id=695">http://freedomforum.org.np/content/?page_id=695</a> <a href="http://freedomforum.org.np/content/?page_id=693">http://freedomforum.org.np/content/?page_id=693</a>		
<b>Information officer</b>	<b>Anirudra Neupane</b>		
<b>Financial Information</b>	Freedom Forum received grants amounting NPR 10810484.86 from different donors in F/Y 2013/14. Follow the link for detailed information <a href="http://freedomforum.org.np/content/publications/reports/financial-reports.html">http://freedomforum.org.np/content/publications/reports/financial-reports.html</a>		
<b>Official Website</b>	<a href="http://www.freedomforum.org.np">www.freedomforum.org.np</a>		
<b>Publications</b>	Freedom Forum has nearly 100 publications (printed) Please Follow the Link: <a href="http://freedomforum.org.np/content/?page_id=1285">http://freedomforum.org.np/content/?page_id=1285</a>		
<b>Activities Carried Out Last Year</b>	The Annual report of F/Y 2013/14 depicts the information in this regard. <a href="http://freedomforum.org.np/content/?page_id=1500">http://freedomforum.org.np/content/?page_id=1500</a>		
<b>Information Dissemination</b>	Proactive disclosure through 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> and Newsletter-Free Expression		

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The talk programme gathered over 50 persons from diverse sectors as security agency (Nepal Police and Armed Police Force), rights protection body- the National Human Rights Commission, District Attorney, Ministry of Law and Justice, Home Ministry, and computer engineering and technology, mass media and legal advocacy, open data, internet governance, and freedom of expression, among others.

Chairman of the Freedom Forum Taranath Dahal hoped the talk would be very fruitful to whet the curiosity and knowledge among the participants on burning issues of internet freedom and other

remaining aspects of the internet governance ecosystem. Underlining the need of data protection act and privacy act in Nepal, he said the monitoring of medium was detrimental to free expression and suggested for content monitoring.

A consultant with the International Media Support, Binod Bhattarai, and Laxman Datt Pant from UNESCO, Kathmandu Office, also expected that the programme might have been helpful to augment debate on internet freedom and freedom of expression.

To sum up, the talk program remained very

fruitful to raise the issues as access to internet and infrastructures for this, protection of freedom of expression with clearly defined policy and regulations, and the need of internet literacy to minimize the misuse of internet and subsequent risk.

Some points the participants added were surveillance of internet, methods to raise internet awareness, arrest of citizens over facebook comments, internet as a new thing, management of internet issues in transitional period, women/ girls falling victims of cyber harassment, proper mechanism for data security and data privacy and others. ■

# Fair Elections, A Coup, and Stalled Reforms in Asia-Pacific

## Freedom in the World 2015

Citizens of three major Asian states—India, Japan, and Indonesia—went to the polls in 2014, handing their leaders strong mandates through what were largely open and fair electoral processes. These positive achievements contrasted sharply with the coup d'état in Thailand, in which the military ousted an elected government, suspended the constitution, and implemented martial law restrictions that drastically rolled back political rights and civil liberties.

Myanmar, which has only partly abandoned military rule, began to veer from the path to democracy. Journalists and demonstrators faced greater restrictions, the Rohingya minority continued to suffer from violence and official discrimination, and proposed laws that would ban religious conversions and interfaith marriages threatened to legitimize anti-Muslim extremism.

The negative pattern in 2014 held true across geographical regions, with more declines than gains in the Middle East and North Africa, Eurasia, sub-Saharan Africa, Europe, and the Americas, and an even split in Asia-Pacific.

### Notable Gains or Declines:

**Afghanistan** received a downward trend arrow due to increased violence against journalists and civilians amid the withdrawal of international combat troops.

**Bangladesh's** political rights rating declined from 3 to 4 due to national elections that were marred by an opposition boycott, as well as widespread violence and intimidation by a range of political parties.

**East Timor's** civil liberties rating improved from 4

to 3 due to a decrease in restrictions on peaceful assembly and an overall improvement in the internal security situation over the past several years.

**Fiji's** political rights rating improved from 6 to 3 due to September general elections—the first since a 2006 coup—that were deemed free and fair.

**Hong Kong** received a downward trend arrow due to restrictions on press freedom and freedom of assembly surrounding protests against a Chinese government decision to limit candidate nominations for future executive elections.

of expression among foreign journalists and opposition figures, as well as the dismissal of judicial officials who refused the government's push to try asylum seekers charged with rioting at a detention center in 2013.

**Nepal's** political rights rating improved from 4 to 3 due to the functioning of a stable government for the first time in over five years following 2013 elections, and significant progress by the main political parties toward the completion of a draft constitution.

**The Solomon Islands'** political rights rating improved from 4 to 3 as a result of relatively

successful October elections, which featured biometric registration and were accepted as legitimate by both the opposition and voters.

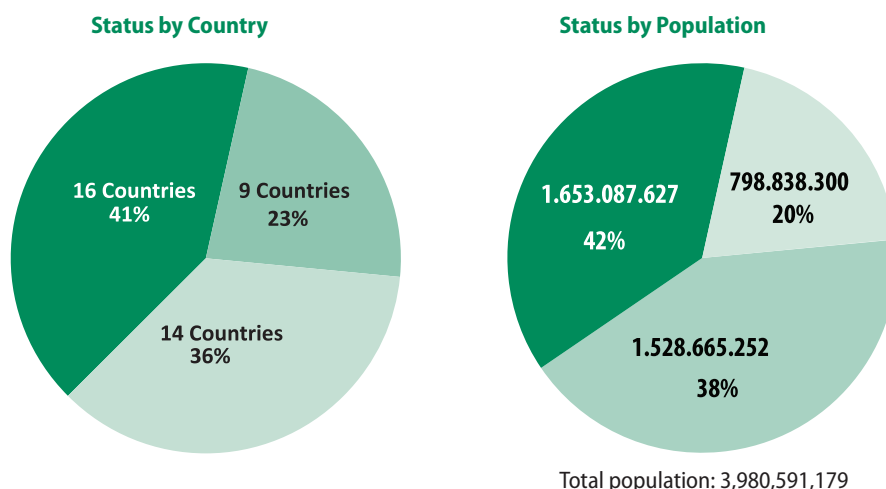
**South Korea** received a downward trend arrow due to the increased intimidation of political opponents of President Park Geun-hye and crackdowns on public criticism of her performance following the Sewol ferry accident.

**Sri Lanka's** civil liberties rating declined from 4 to 5 due to increased pressure on freedom of expression

and association, including curbs on traditional media and internet-based news and opinion, and surveillance and harassment of civil society activists.

**Thailand's** political rights rating declined from 4 to 6, its civil liberties rating declined from 4 to 5, and its status declined from Partly Free to Not Free due to the May military coup, whose leaders abolished the 2007 constitution and imposed severe restrictions on speech and assembly.

(Source: [https://freedomhouse.org/report/freedom-world-2015/regional-trends#.VRppzY5r\\_IU](https://freedomhouse.org/report/freedom-world-2015/regional-trends#.VRppzY5r_IU))



**Malaysia** received a downward trend arrow due to the government's use of the Sedition Act to intimidate political opponents, an increase in arrests and harassment of Shiite Muslims and transgender Malaysians, and more extensive use of defamation laws to silence independent or critical voices.

**Myanmar's** civil liberties rating declined from 5 to 6 due to restrictions on media freedom, including the arrest and imprisonment of a number of journalists.

**Nauru's** civil liberties rating declined from 1 to 2 due to government attempts to limit freedom

*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.*

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