



# Free Expression

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A NEWSLETTER OF FREEDOM FORUM

## International Day to End Impunity for Crime against Journalist End Impunity, Ensure Justice

The International Day to End Impunity for Crimes against Journalists' is marked across the world on November 2 every year. It is observed in a bid to raise awareness on journalists' rights, express solidarity to the campaign of journalists' safety and advocate for justice to the victim journalists and media persons in order to end impunity for the crimes meted out against them.

Even the UN announced the Day in 2013 to be marked across the globe in response to the continuous lobby of the organizations working for freedom of expression in commemoration of the deadly attack and killing of 32 media persons and journalists named as Ampatuan Massacre (also known as Maguindanao Massacre) in the Philippines in 2009.

Freedom Forum also observed the Day with the support of the Free Press Unlimited across the country this year too. During the programs, it was reminded that Nepali journalists had to face tough times, while some of them lost their lives especially during the conflict and post-conflict period. Such programs held at present with relative political development following the peace process are still relevant-pressing indeed- for the journalists and their families victimized during the conflict are still waiting for justice. The impunity related to this is yet to be addressed.

National Human Rights Commission Chairperson Anup Raj Sharma expressed worry that the government did not become serious to address the transitional justice issues despite the Supreme Court's order to amend laws on time. During the international forum- UN Human Rights Committee- the Foreign Minister made the commitment to address it, but no substantial task was taken till date, he blamed. Such activities make democracy dysfunctional.



End Impunity Day Program in Kathmandu

"Mere written and verbal commitment are not enough, it must be translated action," he urged the government, complaining, "How shameful on the part of government to not deliver justice to the conflict victims in these 13 years after the beginning of peace process in Nepal."

According to him, a strategic partnership is essential to curb impunity in Nepal. "Pressure is must on the government for justice," he stressed, informing that the NHRC would implement the journalist safety mechanism to which FF and NHRC had worked some years back. He expressed severe concern over declining democratic values in Nepal's political system.

Addressing the program, Former Chief Justice Mrs Sushila Karki said, "Journalism is a risky job in third world. In Nepal's case, journalism has 50 percent role on its development." She stressed that journalism must not be controlled

rather it should be self censured. The harrowing stories shared by the members of the victims journalists are quite moving. They must be catered justice on time, she stressed.

On the occasion, Executive Chief Taranath Dahal reminded that FF organized such programs across the country and secured participation and commitments of the concerned ministers to address the pressing issue of impunity relating to crimes against journalists. "This program is not only to provide platform for the family members of victim journalists but also a strong reminder to the authorities concerned and the moment to award the journalists and RTI campaigner for their passion to bring change in society with the exercise of freedom of expression and information," he stressed.

Former President of the Federation of Nepali Journalists (FNJ) and Press Council Nepal, and coordinator of award selection committee, Mr

*Continue on Page 14*

## Message from Executive Chief

# In Defense of Democracy

**D**o democratically elected leaders serve public? Do they protect and promote democratic values? These serious global questions are now pertinent local questions in Nepal's case too. How? Nepal currently has federal system and new constitution after much struggle and various political movements. Three-tiers of government-local, provincial and federal- are put in place. Various laws are in the offing to implement the constitution and federal system. Political slogans of sweeping change and prosperity are commonplace. In surface, we've made headway to *lokatantra* (people centered democracy or let's say improved democracy) from *prajatantra* (democracy). But, the robust body of *lokatantra* is lifeless! Democratic principles are blatantly violated, pillars broken and public voice ignored. Despite having huge votes, the practice of single-party regime to capture State authority is deplorable indeed.

Healthy criticism is the spirit of democracy, which is gradually ruining. Democracy does not become dynamic in silence and suppression. It needs continuous discussion, debate, views, research and criticism. It must not be held hostage of political indecision or adamancy. Creating people's mass for political panegyric and quieting dissent is nothing but a rowdy gang to prepare base for authoritarian regime. It is what the recent trend shows. For the protection of irregularities and ill intention of political leadership and government weaknesses, climate of hatred and animosity is being created.

Recent approval of IT Bill from the IT and Development Committee of the parliament and its advance to the House of Representatives with the regressive provisions intact paints the government's bid to hush media and journalists creating fear. If it is passed as it is, it undoubtedly paves a way for 'rule by law' to replace the 'rule of law.' There are other laws that sport Sword of Damocles. Freedom Forum's media monitoring has recorded increased number of press freedom violation. A total of 111 press freedom violations were recorded in 2019, thereby affecting more than 150 journalists. The year saw high profile crime, and did not see noticeable efforts to end impunity. As long as the impunity prevails in the country, the atmosphere of fear survives to kill information, media, critical news and views and to stoke misinformation and propaganda which ultimately serves limited section for cheap popularity.

Another worrying trend this passed year is the egregious misuse of State power. Despite the country adopting federalism, the attempt to control and influence provincial and local governments is deplorable. It has not only obstructed the real devolution of power but also deprived sub-national governments of their rights guaranteed by the constitution. Citizens are obviously at the receiving end of such attempt. Moreover, the State institutions as State-run media, authorities, corporation, constitutional bodies are left toothless due to undue influence. State-run media are in overwhelming pressure to praise government activities irrespective of the relevance and essence. Vertical division is created in every front while protecting those having faith to ruling party and othering those with differing views and faiths.

The move to weaken and dismantle CSOs with the policies to tighten noose against them has painted the atmosphere too grim for civic space. Suggestions and recommendation of the experts and rights defenders are flatly ignored and discredited thereby stoking toadies to chase away and berate the critical mass.

Deepening non-transparency is fueling cagey bureaucracy and public offices. Back-gearing from adherence to the RTI Act and pro-active disclosure of information are reported widely lately. From the financial to administrative decisions, they are kept secret. It is indeed the systematic effort to deprive citizens of their right to information and systematically bar them from involving in decision and policy making process and development activities. Here is where corruption thrives, transparency dies.

Now, where are we heading? Where is our system being steered and for whom? Democracy is a hard-earned achievement in Nepal. Engagement and sacrifice from diverse people resulted in present system which is expected to be more improved form of democracy. But the unfolding atmosphere is fatal symptom eroding democracy. It is right time to nurture liberal democracy that pay heed to people, protect and promote freedom of expression, civic space, free press, builds informed citizenry, and fosters transparency and tolerance. The democracy must not be derailed and destabilized for undue political ambition. Needless to say, Freedom Forum is relentlessly working for functional democracy where every person is the equal beneficiary of democratic values. **Happy New Year 2020!**



# Research Panel on Media Council Bill Visits FF

**A** group of four members of the research sub-committee under the Legislative Management Committee of the National Assembly visited Freedom Forum, seeking suggestions on Media Council Bill on November 20. Earlier, the committee had requested through an email regarding their visit to FF and a set of questionnaires to be answered in the meeting the day after. FF's experts not only discussed the given questionnaires but also handed reviewed documents of Media Council Bill, policy brief and a comparative study of Media Council Bill among other countries as well.

Moreover, the proposed bill contained broad, unclear and vague clauses related to specific definitions, contents of the bill. The structure and the representative of the council was only another platform of government officials which is quite objectionable. The odd procedures and responsibility prescribed in the bill were against FOE standards.

FF suggested amendments to 20 provisions in 15 sections of the bill. The main recommendations are as follows:

- Suggested Appointing a person having qualification to be the judge of the Supreme Court as head of the proposed media council.
- Two lawmakers including a woman from lower house and one from the upper house recommended by the speaker and chairperson of the National Assembly respectively should be the member of the council.
- The president of FNJ, a professor or associate professor of journalism department at a university, one senior journalist, worked on editorial capacity from each State, three working journalist elected by FNJ assembly including a women and five noted personalities with experience in human right, gender inclusion, language, communication management or research are recommended as member of the council with two women.
- A recommendation committee be headed by the chairperson of the National Assembly where one senior journalist nominated by Ministry and chief of the Mass Communication and Journalism of Department of TU are proposed as members.
- A heavy amount of fine and punishment should be revoked and journalist involved in violation of the media code will be asked to make a public apology or face blacklisting or publishing of his/her name instead.
- Exclude 'publisher' from editorial responsibility.
- Nullify government directions to the council.
- Incorporate self-regulation provisions in the bill.

The meeting comprised eight participants where there were 4 members of research sub-committee of Legislative Management Committee (NA) namely Sher Bahadur Kunwar, Udaya Sharma, Singha Bahadur BK and Yutol Tamang and four from Freedom Forum namely Haribinod Adhikari, Taranath Dahal, Sanjeeb Ghimire, and Bhawana Poddar under CS:MAP project. Out of eight participants, three were female.

# Film, literature feel threatened

Different literary writers, film producers and directors, representatives from CSOs and journalists have underscored the importance of freedom of expression (FoE) without any hindrance at a dialogue on 'Art, Creation and FoE' organized by Freedom Forum in collaboration with Nepal Independent Filmmakers Society on 25th December 2019. Program Manager at FF, Sanjeeb Ghimire, highlighted the program objective that at a time when the FoE landscape was being assaulted in various fronts including media, literature and film, the program as aimed at discussing the unfolding challenges and pave way to build collaborative atmosphere for obstruction-free FoE atmosphere.

On the occasion, Nepal Independent Filmmakers Society's Chair Anup Subedi said like media, art and music were also facing unprecedented attack nowadays. Reminding the intimidation to and arrest of singer Pashupati Sharma, rappers V10 and Durgesh Thapa, and comedy artist Pranesh Gautam, Chair Subedi said there were many rappers ready to upload their songs on YouTube but withdrew the idea seeing hostile atmosphere. "Pre-censorship has been imposed in film production for long in Nepal," he shared, adding that merely because of some word, film are banned from screening, producers are hassled.

Noted literary writer and Prof Dr Govinda Raj Bhattarai stated that he has put all his efforts on writing. Journalism and music industry are more visible from expression perspectives. Freedom environment is being made but obstructions are also coming. Strings attached with hard-earned freedoms in our country. These days, obstructions are increasing to restrict FoE atmosphere, he added. "The incumbent government has authoritarian intention. So, we can not expect much from this regime in terms of protecting and promoting freedom. The authoritarian regime has different goals and objectives," he said, urging all sides concerned to be bold and continue creations. He however said, "Writers like me are not feeling free and safe to come outside environment and make expressions."

"Its precarious that crass political cadres are claiming themselves as literary writers. Writers advocating FoE are now feeling sheer discomfort and confined," he worried. Adding to the context of FoE, film director Nabin Subba expressed that artists should have the rights to exercise full-fledged FoE then only it the society can move ahead. Film makers should enjoy the freedom without any hesitation and



obstruction from anywhere. "We waged two democratic movements but again we are in the situation to fight for FOE is worrying" he said, adding, censorship is deepening in film sector, thereby running the spirit of FoE. Being feared or lured, he said, even the senior artists are advocating for censorship.

"Both liberal and illiberal thoughts must be given platform to express," he said, adding that sometime excessive political correctness is creating problem to depict objective reality. Referring to the arrest of rapper by police, he vented ire, "It is police's duty to moral police? Who are police to say good, or bad to anything?" He stressed the need of comprehensive sociological debate and research to determine some is right and wrong, decent and indecent and measure the social development.

Journalist and Poet Sangeet Shrota said that constitution is democratic but actions are reverse. Critical thoughts are not created to watch the government activities. Protesting government-sponsored censorship is weakening. Manoj Pandit, film maker and director stressed the need of more action than discussion. He reminded the film 'Greater Nepal' was banned for screening. 'Dasdhunga', another feature film, was controlled, current PM directed to stop screening. Nepal Army blocked 'Badhshala' screening. There was long battle. The setting was conflict-era.

Being one of the victims, Pandit sarcastically said that there should be censorship if we believe on pluralism. If majority does not like censorship is obvious. Our family is guided by censorship and it is reflected in the state mechanisms. Human rights and FoE are inextricably linked, said noted human rights activist Charan Prasai. He questioned why judiciary is not knocked when FoE is violated? Why

this has not become the issue of human rights violation? Why this was not in the understanding framework of HR? If it was understood as HR it would have been addressed earlier. He questioned the role of Federation of Nepali Journalists (FNJ) and Nepal Bar Association. Prasai observed the FNJ has become as if is the government machinery.

Showing concern on the film and media related bills, Chief Executive at FF, Taranath Dahal, informed that government was restoring the party-less panchayat system of informing government before publishing book. "But, why literary figures, film-makers and creative writers are also not thinking and raising voices against intrusion," he wondered. Even the political sector needs to become serious towards growing violations of FoE and artistic expression, he added. Associate Professor at Kathmandu University, Dr Sudhamshu Dahal, observed, "Art and creations are the medium to reflect change in the world. At present, Nepal is suffering emasculation of ideas and thoughts. The widening gap between the ruling generation and young generation is another problem creating hostility to FoE, he added.

Moreover, lecturer of mass communications and journalism at RR Campus, Lekhnath Pandey, said the media were gradually losing boldness to question authoritarian trend of government, which has risked Nepal's democracy. "The government is awarding its toady these days for writing panegyric," he observed. It is because of power shifted from politics to media, politicos are meting out injustice to media, according to Dr Sudarshan Dahal, associate professor at Kathmandu University. The program, held as part of the project, "Civil Society Mutual Accountability Project (CS: MAP)" with the support of FHI360, was attended by 35 participants. Out of 35 participants, there were 10 females in the event.

# Press Freedom Violations

## PROVINCE 1

### ATTACK / MANHANDLE

**A.** Santosh Kafle, reporter with the News 24 TV channel from Biratnagar city, was beaten up and injured on December 12. Biratnagar lies in Province no. 1.

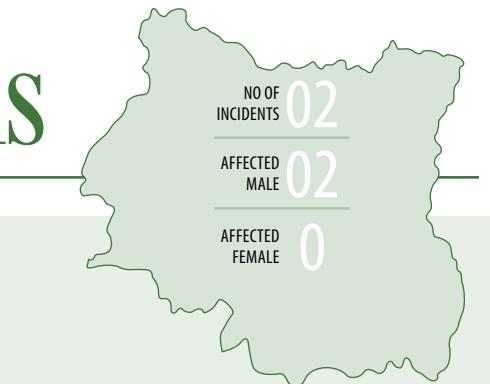
Journalist Kafle sustained injury on his face. He had to be admitted in a hospital for treatment, said FF Representative from Province-1, Bikram Niraula, adding he was attacked by four persons reasoning that 'he became late' at a programme they organized to share their problems- they were duped by a local Salleri Saving Cooperative, and going to share information to the media persons.

Following the incident, police arrested four assaulters and initiated a case on battery and

assault against the attackers in Sunsari District Court. The investigation is underway.

Freedom Forum condemns the incident, as it is sheer violation of press freedom, the rights guaranteed in the constitution. Attack and threat on journalists disturb the atmosphere for free reporting. The people allegedly duped by cooperatives attacked reporter without obvious reason. It has created panic among fellow journalists.

FF urged the local administration to fairly investigate the incident and take punitive measures against the assaulters. Impunity relating to violence against journalists must be addressed.



**B.** Gopal Kafle, a Morang based correspondent with Avenues Television was manhandled by police persons on December 15 in Morang. Morang lies in Province 1 of Nepal.

Reporter Kafle shared that he was manhandled while covering the demonstration of slum dwellers. He was recording live video of the mob demonstration and police persons in his mobile.

"While recording video, one of the police officers seized my mobile and caught me by neck threatening not to record the video. The officer also damaged mobile even after I showed him identity card as a journalist", informed reporter Kafle.

## PROVINCE 2

### MISBEHAVIOR

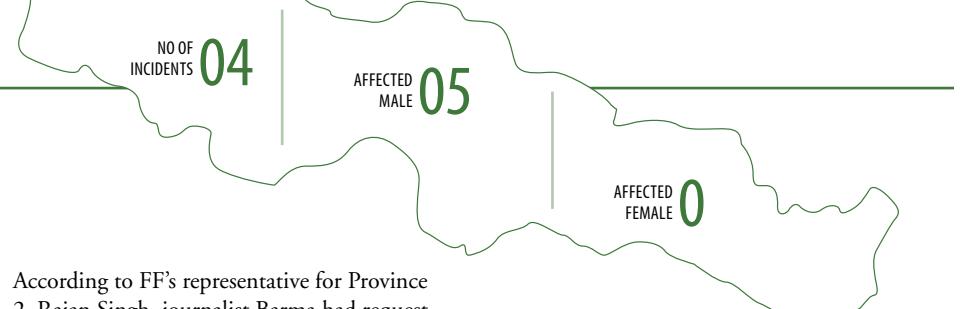
Reporters Santosh Baraili and Shuvendar Das were manhandled by a customs officer in Dhanusa on December 4. Dhanusa lies in Province 2 of Nepal. Baraili and Das are associated with Kantipur daily and Samacharpatra daily respectively.

According to the information shared to the Freedom Forum, the reporters had reached Janakpurdham-based Jatahi Custom Office at Nepal-India border to report a bribery case. The reporters were manhandled after they tried to take pictures of the officer asking for illegal money with the service seekers.

### ATTACK

Journalist Anil Barma was attacked by Mahagadhima Municipality Mayor Upendra Yadav while reporting about municipality expenses in Bara district on October 3. Bara lies in Province 2.

Journalist Barma is associated with cinnepal.com and Radio Tarai Birgunj 107 MHz.



According to FF's representative for Province 2, Rajan Singh, journalist Barma had requested for information about the number of the vehicles used by municipality along with its expenses. When journalist Barma asked Mayor Yadav about the expenses, he was beaten up by Mayor Yadav.

### CYBER CRIME CASE FOR REPORTING

Despite huge criticism from the media fraternity and FoE advocates for long, the Electronic Transaction Act (ETA) is still mis/used by the authority to harass journalists and violate press freedom in Nepal. A journalist in the southern plain has been made a latest victim of ETA's misuse. The ETA with its objective to regulate financial fraud on computer/online has been picked by the security officials to arrest commoner and journalist for mere expression. Journalist with an online news portal www.kapbot.com and a YouTube channel Kapbot

TV, Santosh Deuja, was issued arrest warrant by Kathmandu District Court on October 23. Deuja is also associated with Simara-based Radio Samarpant. Simara lies in Bara district of Province 2 in Nepal. According to the police officials, Nepal Police Cyber Bureau has charged Deuja for committing crime under Electronic Transaction Act, 2008. He has been charged of defamation following a complaint lodged by a local Neelam Sah. The complaint was lodged for broadcasting an interview of Sah and her husband on the YouTube channel few days before, according to journalist Deuja.

Freedom Forum has been advocating for the rights of journalist Deuja and supporting in the litigation.

# Ward Chair beats local for seeking information

Freedom Forum condemns the attack on a local Rambabu Mandal by Ram Shankar Paswan, Chairperson of Ward No 18 from Janakpurdham Sub-Metropolitan Office in October. Mandal was beaten for seeking information relating to the activities of the Sub-Metropolitan Office. Mandal is the resident of Janakpurdham Ward No. 18. He was beaten by his own Ward Chairperson Paswan in the presence of Mayor Lal Kishor Shah. According to the information received by FF's representative for Province 2, Rajan Singh, Mandal along with another local Tapeshor Thakur had registered

application seeking information on expenses related to activities of development constructions in the Sub-Metropolis.

Mandal shared the plight that he was asked to share the demanded information to Mayor Shah. Meanwhile, Chairperson Paswan was also present on the occasion. "As I was talking to Mayor about the demanded information, Ward Chairperson Paswan aggressively responded to me and attacked," said Mandal. Thakur who witnessed the incident said that Mayor was silent when Mandal was beaten by Paswan. After the incident, Mandal filed the complaint at the

District Administration Office and District Police Office, Dhanusha. But until now, no action was taken against Chairperson Paswan. According to Section 3(2) of the Right to Information (RTI) Act, "Every citizen has the right to access the information held at public bodies".

It is worth reminding that with the three-tier of governments in place following the federal setup, huge chunk of money has gone to the local and provincial levels for development activities and public service. But stories of corruption are rife of late. 



## PROVINCE 3

**Police takes popular singer Durgesh Thapa under control; asks to remove song from YouTube**  
Nepal Police arrested popular singer Durgesh Thapa on October 22 from Kathmandu for a song and took into custody, asking him to remove the song from his YouTube channel. He was released later after removing the song from the channel. Freedom Forum's representative Ashok Dahal reported that Chief of Metropolitan Crime Investigation Division Sahakul Thapa confirmed that singer Thapa was arrested from Balaju, Kathmandu, on Tuesday, for promoting consumption of hashish, drugs and trying to disrupt the social harmony through his song.

He was taken under control after advocate Yagyamani Neupane had filed a complaint at the District Administration Office, Kathmandu, on Monday, against the song. Singer Thapa was accused of promoting alcohol and marijuana in a song "Happy Tihar" which was related to major Hindu festival Tihar.

"We have asked him to remove the song from the public platform because it is against our cultural and social values," said SSP Thapa.

Earlier, folk singer Pashupati Sharma, had to remove his song from YouTube following the tremendous pressure created by cadres of the ruling Nepal Communist Party (NCP). The song had exposed thriving irregularities and corruption. He had to lift it from YouTube within second day of its release.

### Threat to editor Shiawakoti for exposing rape allegation

Journalist Ajaya Babu Shiawakoti who had exposed high profile rape case was issued threat in the last week of September. The relatives of Speaker of the House of Representatives, Krishna Bahadur Mahara, and the activists of former Maoist Party threatened Shiawakoti, the editor of www.hamrakura.com. Shiawakoti had brought forth the news on the news portal about the rape allegation against Speaker Mahara. A woman staff at parliament secretariat had alleged Speaker Mahara of rape.

Shiawakoti told FF that the threat made him feel unsafe. He added, "However, I have been continuously following up to collect the relevant evidences regarding the case". He said a secure environment is an urgent need for journalists to be able to report correct information on the rape allegation.

### Shahi Registers Complaint Against Journalist Siwakoti

Roshani Shahi, who charged former Speaker of House of Representatives Krishna Bahadur Mahara for rape attempt, turned against the journalist who exposed the incident on media.

She filed a cybercrime lawsuit against Ajay Babu Siwakoti at Metropolitan Police Crime Division on November 1.

Chief Editor of hamrakura.com, Siwakoti had posted a video interview of Shahi hiding her identity for the first time on media. Later, Shahi changed her statement to the police and claimed that earlier she had reported to the police under influence. Shahi blames journalist Siwakoti for 'exposing' the alleged incident.

Also, she appeared on various online media to refute the allegation against Mahara few days after she registered complaints to the police accusing the politician attempting rape at her room.

According to her lawyer Raman Shrestha, she accused Siwakoti of recording her interview without prior permission. Shahi claims that when the interview was taken, she was semi-conscious after taking medicines for depression. Shrestha informed that she sent the complaint via post office after the police declined to take the complaints.

### Attack

Journalist Suman Chapagain, associated with the Nagarik daily, was brutally attacked while covering the clash between security persons and Nepali football fans outside the Dasarath Stadium in Kathmandu on December 10. Kathmandu, which lies in Province 3, is the federal capital of Nepal.

According to FF's source, police persons kicked journalist Chapagain badly. He sustained a serious injury on his ears. He received medical treatment at Blue Cross Hospital, said fellow

photojournalist Subash Shrestha, who was the eye witness of the incident.

Police persons deployed outside the stadium attacked Chapagain even after he was visibly wearing the press identity card and special press pass issued for the ongoing South Asian Games as well.

The incident occurred while Chapagain was recording the protest of football fans who were disappointed being unable to get the tickets of the final football match held between Nepal and Bhutan under the 13th South Asian Games. The police also beat the fans for protesting outside the stadium. Other journalists were also reported to have been misbehaved in the incident area. Additionally, the police threatened them to damage their cameras if they continued reporting.

### Threat

Journalist at Radio Nepal Mukunda Bhandari was issued threat by an unknown group in Kathmandu on October 4. Kathmandu lies in Province 3 of Nepal.

Talking to FF media monitoring desk journalist Bhandari shared, "A group of unknown youths approached me and threatened of mishap after 4 to 5 days. I am totally unaware about those guys and the reason behind issuing threat to me," he added.

FF urged the concerned authority to ensure safety and security of the working journalist Bhandari.

### Threat

Journalist Shiva Lamsal was issued threat of physical attack for broadcasting news about a patient who died in course of treatment at Blue Cross Hospital in Kathmandu on November 10. Kathmandu is the federal capital of Nepal.

The patient's relatives were dissatisfied with the hospital's treatment process and protesting in the hospital, which journalists Lamsal reported. Lamsal is the News Chief of YoHo Television.

As per information received by Freedom Forum, News Chief Lamsal was threatened by the hospital's administrative representative Rajat Shrestha for broadcasting the news about the protest of the patient's relatives. The patient was allegedly died of careless treatment. Shrestha warned journalist Lamsal not to write such news as it had tarnished the image of the hospital.

Following the incident, television developed a story including bite of the patient's relatives and hospital administration representative Shrestha.

### Brief Arrest

Journalist with News 24, Surya Baral, was briefly detained by the police while taking a picture in the premises of District Police Office in Chitwan on October 17. Chitwan lies in Province 3.

Talking to FF, journalist Baral shared that he was detained briefly by the police and pressed to delete the image from his camera. Deputy Superintendent of Police, Ganesh Poudel, ordered the lower police persons to detain him and make him delete the images.

Freedom Forum condemns the incident because journalists are free to take a picture of the public place. Such intimidation on journalist is sheer violation of press freedom. Hence, FF urges the concerned authority to ensure a safe environment for journalists.

### Misbehavior

The cadres of ruling Nepal Communist Party (NCP) misbehaved with journalists trio Raju Sapkota, Mahendra Shrestha and Krishna Sunuwar while reporting about the by-election in Bharatpur on November 30. Bharatpur lies in Province 3.

Journalist Sapkota is the News Chief of Kalika Media in Chitwan. Journalist Shrestha has been working as a freelancer and Sunuwar is associated with KayaKairan dainik.

According to the information received by Freedom Forum, journalist Sapkota, Shrestha and Sunuwar were misbehaved during the reporting of by-election at Dhungaghari voting center located at Bharatpur Municipality Ward No 16.

Journalists duo Shrestha and Sunuwar took a video of the ongoing voting. In response, ruling party cadres deleted that captured footage.

### Attack

More than half a dozen journalists who went to Budwal based in Banepa Municipality Ward No. 6 to collect news were attacked by the Ward Chairperson Sachida Nanda KC. Journalists as Prakash Chandra Dahal associated with Nepal Pukar Online TV were attacked by KC's group on December 5. Kavre lies in Province 3.

KC's group obstructed them from taking videos for the purpose of the news report. They injured Ramesh Kumar, one of the journalists who also went for reporting. Likewise, even the camera belonging to journalist Ram Chandra Dulal was seized.

Journalist Sibi Khadka associated with Sankalpakhabar.com had was also verbally abused. Other reporters belonging to Chito Online TV managed to escape the scene and avoided possible injury from hostility.

## Rapper V10 arrested

Rapper Samir Ghising who is popularly known as V10 was arrested from Kathmandu on October 24 for allegedly using indecent words in his song. Ghising was taken into custody in Kathmandu Metropolitan Police Crime Division, Teku. Kathmandu lies in Province No 3.

The police arrested Ghising four months after his song 'Hami Yestai ta Honi Bro' premiered on YouTube and got 1.9 million views in a short time. Ghising's custody is extended by seven days for showing an 'improper manner through song.'

In the conversation with Freedom Forum's Representative Ashok Dahal, SSP Sahakul Thapa, Chief of Metropolitan Police Crime Division, Teku, said, he was arrested for 'promoting vulgarism' in his song as well as publishing a picture of him smoking and making marijuana while wearing Nepali police

uniform in his social media handle. Police claimed that his picture could tarnish the public trust on law enforcement bodies.

Although, the police failed to decide whether to file any charge against him or not, he was taken to custody in Kathmandu Metropolitan Police Crime Division, Teku.

Young rapper Ghising was arrested just a day after the arrest of another singer Durgesh Thapa from the same police for allegedly promoting alcohol and drugs in his song. Thapa was released after removing his song from YouTube.

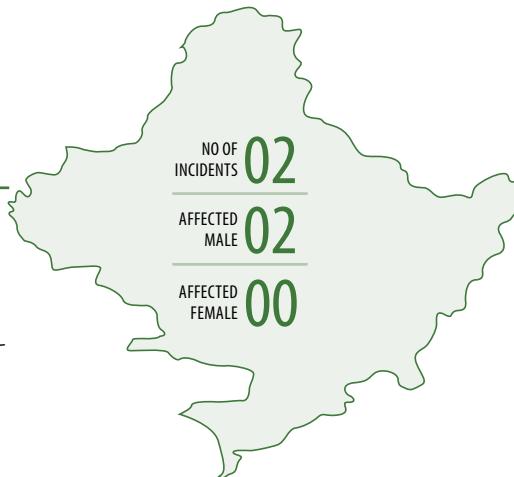
FF maintained that use of police dress for artistic purpose does not qualify to be a crime. To control artistic expression is the true representation of the authoritarian state.

# Gandaki Province

## Threat, apology later

A local youth club issued threat to journalist Lokendra Sunar for writing news in Baglung on October 16. Baglung lies in Gandaki Province. Journalist Sunar is associated with [www.ebaglung.com](http://www.ebaglung.com) and Radio Pariwartan.

According to FF's representative in Gandaki Province, Rajan Upadhyay, journalist Sunar was intimidated by a local youth club's Vice-Chairperson Suraj BK team for writing news related to them which was not in their favor. Prior to the incident, [www.ebaglung.com](http://www.ebaglung.com) online had published news about the irregularities in the name of game - first Mayor



Gold Cup and feast-which was organized by the Burtibang Rising Youth Club. Following the news, the journalist was threatened by the Vice-Chairperson of the same club. Later, the youth club apologized for the misbehavior meted out to journalist Sunar.

## Arrest

Journalist Raj Kumar Ghimire who was working as a reporter of [www.sancharkendra.com](http://www.sancharkendra.com) was arrested from Prithivi Chowk of Kaski district. He was held by the District Police Office on November 17. Kaski lies in Gandaki Province.

According to FF's representative for Gandaki Province, Rajan Upadhyay, he was arrested while on the way to reporting at the Transportation Office. Earlier on 1 October too, he was detained for a couple of hours. Currently, he is held in the custody of Ward Police Office, Baidam. However, the Superintendent of District Police at the Office claimed that the reason for his arrest had nothing to do with his profession as a journalist. 

# PROVINCE 5

## Ruling party member Bishwakarma attacks journalist by mobilizing goons

Journalist Sangin Sharma was brutally attacked by the goons mobilized by the ruling Nepal Communist Party Province 5 Committee member when he was on duty at the office of Yugyan daily in Kohalpur, Nepalgunj, on December 22. Nepalgunj is the city in southern plains in Province 5. Journalist Sharma is associated with Yugyan daily and also the Executive Editor of an online portal [www.kanchulikhabar.com](http://www.kanchulikhabar.com). The incident took place in the evening.

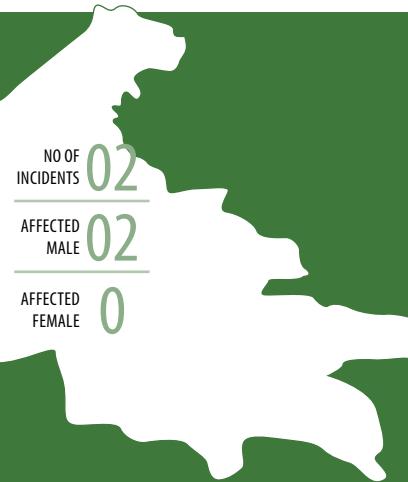
Talking to Freedom Forum representative for Province 5, Sudip Gautam, journalist Sharma shared that he was attacked at his own office while working for the news. He further stressed NCP Province 5 Committee Member Pujan Bishwakarma mobilized goons to attack against him.

According to the locals who witnessed the incident journalist Sharma was beaten badly



just to make him realize the power of the Committee member Bishwakarma.

FF gravely condemned the incident. It is a serious threat to free press. The concerned authority was strongly urged to investigate the case and to take action against the perpetrator so as to ensure a safe environment for journalists. Mobilization of goons to beat journalists by the politicos, who are public person, is alarming trend.



## Death Threat

To a sheer misuse of power, a local representative in Musikot, Gulmi, issued death threat to publisher/ editor of Rekhdekh weekly Prabir Dadel on October 25. Gulmi lies in Province 5 of Nepal.

According to the information Freedom Forum received, Musikot Municipality's Chairperson Deepak KC not only issued death threat but also attempted to attack the journalist.

Chairperson KC also spoke abusive words and threatened Dadel of breaking his hand for writing news. Journalist Dadel has demanded for security with the local administration.

# Karnali Province

Freedom Forum has been continuously monitoring the press freedom violations since its inception. For more investigative details and facts, it has managed its representatives in all

seven provinces for some years. These three months from October to December 2019, no incidents of press freedom violation were recorded in Karnali Province.

NO OF INCIDENTS 00  
AFFECTED MALE 00  
AFFECTED FEMALE 00

# Sudur Paschim Province

## ATTACK

Journalist Mohan Karki was attacked by locals for not covering the news in their support in Bajura on October 15. Bajura lies in Sudur Paschim Province. Journalist Karki is associated with Radio Budinanda Bajura. As per FF's representative from Sudur Paschim Province, Min Bam, locals Jayaestithi Malla and Nrip Malla mercilessly attacked to journalist Karki. They attacked journalist arguing that he did not write suitable news about them. The incident shows the journalists are not free to reporting but pressured to write for particular interest, which is worrying for journalism profession.

## WOMAN REPORTER DHUNGANA DEFAMED FOR WRITING NEWS

Accham based journalist, Menuka Dhungana, was defamed via Facebook by a contractor Bam

Dhami while reporting about destruction of the tender papers concerning school construction at Achham on October 19. Accham lies in Sudur Paschim Province. Journalist Dhungana is the reporter of the Kantipur daily. Dhungana shared with the Freedom Forum that she had written news about the destruction of tender which created dispute involving Dhami. As per the news, the dispute arose when the evaluation committee was about to make public the news awarding tender contract. The news also stated that local were of the view that Dhami had allegedly destroyed the tender papers while it came to his knowledge that someone else was likely to get contract for the construction of two schools in Charpati Rural Municipality of Accham. Agitating about the incident, accused Dhami wrote foul words defaming Dhungana through his Facebook post for writing the

NO OF INCIDENTS 02  
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news. Additionally, the accused had posted such a statement while being in detention too. It is worth sharing that contractors are one of the hostile elements against free reporting. FF reports have shown many times that contractors violated press freedom and intimidated reporters for news coverage.

# Listen to Podcast

Freedom Forum has continued producing podcasts on different themes surrounding democracy. Even the activities around the themes are included in the post, which are categorized into impunity relating to crimes against journalist, right to information, public finance management, women representation in media, media law and policy, freedom of expression including press freedom and journalism, open government and open parliament. In the recent three months, FF brought some important podcasts.

To mention some, the 53rd episode of podcast is one of the must listen content, which covers the views expressed by noted economist, policy analyst and development expert Dr Devendra Raj Pandey. According to him, currently, Nepal though seems robust with new constitution and three layers of government in place, democracy lacks soul. It is democracy without spirit, he said, worrying why democratic culture could not be established. In the present democracy,

people are distanced much from government, which is serious. It is time to end the mockery of democracy with nurtured and mature exercise, according to him.

The 55th episode of the podcast has recorded views on art, creation and expression. Filmmakers, and directors, litterateur, FoE advocates and rights defenders have expressed serious concern over the government's ill efforts to suppress art and creative expression as well. Chairperson of Independent Filmmakers' Association, Anup Subedi, reminded that many rappers were afraid to upload their rap songs on YouTube, fearing arrest after the arrest of popular rapper V10. Professor Dr Govinda Raj Bhattarai argued the present government was making headway to authoritarianism. Only those praising government were right at present. Even the literary writers are unable to express freely. Film director Nabin Subba vented ire on police persons saying who the police persons are to conduct moral policing.

Similarly, 54th episode explain how a news portal [www.lokaantar.com](http://www.lokaantar.com) filed RTI application seeking various sorts of information at public offices and exposed the irregularities and malfeasance. Office of the Prime Ministers and Council of Ministers, ministries, departments, divisions, and others were requested for information about expense on different titles. The journalists at lokaantar continued the RTI filing and brought forth 50 news which showed sheer misuse of authority. Information about this is shared by lokaantar journalist.

The 50th edition shares views of Deputy Auditor General, Ramu Dotel, points out the need to mobilize stakeholders while auditing, so that irregularities can be wiped out. Civil society is included in the auditing at present, he added. Dotel welcomed Freedom Forum's open budget survey. His views were welcomed by development expert when the podcast was shared in the social media. FF will continue podcasts on the pressing issues, Stay Tuned!

# Talk programme on UPR; suggestions to include every aspects of FoE

Freedom Forum organized a talk program on 'Freedom of Expression and Journalists' Rights focused on Universal Periodic Review' in Kathmandu on December 27, 2019. The talk program attended by FoE practitioners and advocates ranging from academia to media, free press defenders and law practitioners and government representatives had thorough discussion on Nepal's Nepal's compliance to UPR 2015 especially on freedom of expression and journalists' rights. It also sought views from the experts relating to FoE and journalists' which could be addressed in the UPR 2020.

On the occasion, FF Executive Chief Taranath Dahal made aware the participants that FF and ARTICLE 19 had prepared UPR 2015 and submitted to UNHRC. He explained some pressing issues surrounding FoE and journalists' rights: there was failure to reform the constitution to bring it in line with international standards on freedom of expression; failure to fully protect human rights defenders and journalists, and to end impunity for violations against them; failure to bring the legal framework into conformity with international standards on freedom of expression, continued use of the legal framework to harass and intimidate journalists and Internet users; no initiative to strengthen the National Human Rights Commission and restore its independence. He also shared plan how FF was planning the contents for next UPR submission: review of UPR 2015 recommendation, law and policy watch, impunity relating to crimes against journalists, presence of social/new media, and recommendation.

According to him, participation of stakeholders was not inclusive and transparent in policy making process. Decriminalization of defamation law was the major concern. The criminal and civil codes were yet to decriminalize the defamation which is very detrimental and



discourage environment for free expression. He shared that attacks on media practitioners, human rights activists and RTI seekers were on rise of late in Nepal. Nepal government's 15th plan has not paid attention on safety of journalists. SDG Goal 16.10.1 is safety of journalists but it is not reflected in Nepal's preparation. No indicators and data of safety of journalists are in Nepal's document to supplement SDG.

Dahal further reminded that even the query by UNESCO Director General to Nepal's Prime Minister reminding the status and follow up on justice to the slain and disappeared journalists were not responded. "I hope the recommendations FF and you make will be helpful to the government representatives to discuss the UPR in Geneva," he stressed. Maniram Ojha, Secretary, National Information Commission (NIC), informed NIC had asked government to amend the RTI Act. Some provinces have drafted bill on the commission but there are some inconsistencies. Baburam Aryal, FoE advocate, said Nepal is in regressive mode in terms of response (journalists safety), non-responsive on journalists rights.

Prof Kapil Shrestha, noted human rights activist suggested that overall background with

holistic perspectives should be written with national and international instruments. "It is very unfortunate that the state repression is growing," he said, adding that though many things have been expressed by government I am worrying what they would translate into action.

Human rights, democracy and freedom of expression are under threat in Nepal, he worried. Sudip Pathak, Member, National Human Rights Commission (NHRC) informed that UPR is a global review to take stock of the human rights status. It is a global effort to improve human rights. According to him, 140 minute is given to speakers for recommendations and 70 minute is given to a country and NHRC got three minutes last time. Nepal accepted 152 recommendations last time. UPR discussion is to be held in November 2020. Government's report directly goes to Human Rights Council while other reports go to OHCHR. NHRC will get only space for 10 pages in the report.

He recommended to mention the implementation status of previous UPR in the report : whether FoE is guaranteed and journalist safety ensured these in laws, and is it practiced? This should be well prepared.

Laxman Duta Pant, Chair, Media Action Nepal suggested to include role of police, attorney and prosecutors in guaranteeing FoE.

Santosh Sigdel, FoE advocate, said what we did in the implementation of laws, let's review. What should be the role of three tiers of the governments on FoE law implementation? As all these governments have the role in the implementation of the laws. Previous UPR review should be done in terms of implementation of recommendations while preparing the current status. Right to Privacy is under threat and it should be linked to FoE. Undersecretary at Human Rights Desk of Office of the Prime Minister and Council of Ministers, viewed the report FF prepares and the recommendations it makes will be taken into consideration. You can also include the status of implementation of human rights including on free expression and efforts done by government in dealing with the issues.

Yagyaraj Adhikari, Director at National Human Rights Commission (NHRC), said country is in changed context which it has resulted in practical challenges. This should be clearly mentioned in the UPR report. Facts substantiating the claim such as incidents of press freedom violations should be the part. Sheetal Mahato, Secretary, Federation of Nepali Journalists (FNJ), said the report must reflect how efforts are deepened to strangulate media freedom and free expression in Nepal. FNJ is against such ill efforts against free press.



Representative from Human Rights Cell of Nepal Police reiterated that Nepal police is serious in ensuring safety to journalists and is working 24 hour in service for providing information. Dinesh Tripathi, senior Advocate, reminded that without free expression, there will be no guarantee of other rights. "Currently in Nepal, state of emergency has not been declared officially but state of emergency is in place. Democratic State means limited government and citizens have umpteen rights. Government tendency is totally wrong. Registration of case against anyone for exercising FoE is a serious thing," he said, adding that moral policing is the subversion of law. Rajan Kuinkel, human rights activist and journalist, said the blame game based on some bad practices of few media must come to an end. Why the State agencies always de/cry one-sidedly over the weakness

of some particular media and generalizing it to others? Such trend needs to cease. Meera Rajbhadnari Amatya, central member, Federation of Nepali Journalists (FNJ) viewed there is tremendous role of media for change in society, country. Serious social ill practices as Chhaupadi has been criminalized because of the watchful media stories.

Rammaya Lamichhane, advocate and law educator, said roles and responsibilities of National Information Commission (NIC) should be explored to make it effective. Dinesh Bhattarai, Former Ambassador, observed that CSOs role for UPR is positive. He suggested focusing how constitutionally guaranteed rights on FoE, journalist's rights are being implemented. FF Chair Haribinod Adhikari thanked the participants for their relevant suggestions to upcoming UPR. 

## RTI Nepal App

The relevance of right to information is increasingly growing in Nepal. As the federalism is gradually getting implemented with the three-tiers of governments in place, the issues surrounding good governance are much talked and debated. The new system is regarded as the solid base for well functioning democracy, where people's participation in policy and decision making process and development activities bears significant meaning. In view of this, FF has forwarded the use of RTI as a tool to good governance by making aware the youths and women across the country. In all seven provinces, the students and women groups were given orientation on the RTI Nepal App that FF launched and they were encouraged to contribute from their sides to

good governance. In November, FF conducted RTI App orientation to school students in province 1. The orientation in other provinces were conducted in the previous quarter.



# People's participation, openness in legislative process key to boost democracy

Open Parliament, Open Government Dialogue

Members of Parliament and representatives from CSOs and media underscored citizens' engagement in law-making process and governance systems so that it would help leverage open parliament and open government practices. The members of federal and provincial parliaments viewed the more citizens understand the legislative and governance process the more benefits it would reap for the state and its institutions.

At a federal dialogue on 'Open Parliament, Open Government: Concepts and Practices' organized by Freedom Forum with support from Parliament Support Project/UNDP at Lalitpur on December 15, as a panelist in the open parliament session, Raj Bahadur Shahi, Speaker, Karnali Province Assembly, shared they have respected media access to assembly deliberations, citizens' right to information, freedom of expression, constant dialogue with the citizens using all platforms including ICT mechanisms as a genuine testimony to their commitments and actions for leveraging open parliament practices. "We have allowed media to monitor our activities; social media is massively used to disseminate parliamentary information and video conferencing is also in operation. Adequate space to opposition party in deliberations and live cast of the parliamentary proceedings reflect our improved practices". Likewise, Krishna Prasad Dahal, President, Finance Committee, House of the Representatives, said parliament was the key mechanism to advocate the cause of openness and people's participation for enhancing quality deliberations and expanding citizens trust on its functioning. "Our federal parliament is open with easy access for journalists to parliamentary records and proceedings as well as availability and accessibility of information through websites and live cast", he added.

Krishna Chandra Nepali, parliamentary party leader, Nepali Congress, Gandaki Province, said the ruling and opposition parties were working together to champion the cause of



good governance and integrity in the State Assembly and check anomalies in governance despite ideological differences.

Nanda Bam, President, Public Accounts Committee, Sudurpaschim Province, however, painted a bleak picture of parliamentary and governance practices with no access to critical information. "Open parliament practices could not take stride unless decisions and actions of the state assembly are accessible to the citizens and media". Gopalanath Yogi, Secretary, Federal Parliament Secretary, shared the parliament has adjourned deliberations on several bills, including Guthi, Media Council, National Human Rights Commission Bill and Public Service Bill after protests from concerned citizens, CSOs and target audience which he said was an explicit example of pro-public stance of the federal parliament. "However, the parliament has to improve its process as to how the citizens concerns could be best reflected in the processes of enacting bills", he added.

Parliamentary journalist Tanka Pant called for parliamentary bureaucracy to transform their mindsets and functioning to best align political change in country. "Media entrance should be made more open and easy. There should be spaces for interface between legislators and media so that they can interact more and complement each other roles". In another session of open government partnership, Dr Somlal Subedi, former chief secretary of Nepal government, laid emphasis on improving

political culture and strengthening systems to institutionalize government openness.

Parshuram Meghi Gurung, President, Legislation Committee, National Assembly, said social transformation is caused through the process of law making and law breaking. "There should be quality participation of citizens and transparency in the law-making process for quality law. Importantly, there should be the provision to assess and audit the objectives of laws in terms of their implementation status as it is instrumental in promoting rule of law and effectiveness of law.", he asserted. Such practice should be made mandatory in laws to be formulated by the federal and provincial parliaments, Gurung highlighted. Ramesh Poudel, parliamentary party leader, Bibekshel Nepal Dal, Province-3, insisted the government to promote disclosure of its decisions in a comprehensive and timely manner so that citizens can keep eyes on its functioning.

Bimala Sharma, Province-5 Assembly Member said a democratic government could not attain its goals without allowing citizens participation in governance process and the parliament should proactively act to check irregularities on part of the executive. Likewise, Rana Bahadur Rawal, parliamentary party leader, Nepali Congress, Sudurpaschim Province, underlined the need of collaboration between lawmakers in the parliament irrespective of the party ideology to address people's aspirations through law-making functions.

“The federal dialogue was organized on the emerging themes of open government and open parliament after holding multi-stakeholder dialogue at all provinces. The objective is to contribute to improve our practices in parliamentary and governance openness”, said Taranath Dahal, Executive Chief of Freedom Forum. Dr Raj Bahadur Shrestha, National Project Manager, PSP/UNDP said the initiative was to leverage innovative practices to make parliament more effective, accountable and responsive. As many as 90 participants representing federal and provincial parliament, representatives from CSOs and media took part in the sessions.

### New policy needed for journalists' easy access to parliamentary reporting: Province 3 Speaker Shrestha

Province 3 Speaker Sanu Kumar Shrestha pointed out the need of formulating policy to provide easy access for journalists to report parliamentary affairs in view of the new set up of provincial assembly. Shrestha said it during a dialogue on ‘Open Parliament and Practices’ organized by Freedom Forum in Kathmandu on November 15. It was held with the support from Parliament Support Programme/UNDP .

Provincial assembly was also holding consultations with experts and stakeholders to develop laws as per the need, shared Speaker Shrestha. Also, he urged media and CSOs to play the watchdog role to make the provincial assembly accountable and transparent.

On the occasion, Freedom Forum Executive Chief Taranath Dahal briefed the participants of concept of open parliament and practices. He stressed the importance of open parliament in the



present scenario in Nepal- As Nepal is qualified from every aspect to join OGP (Open Government Partnership), Nepal government must not delay to join the global bandwagon of OGP.

Similarly, Policy Adviser Krishna Sapkota shed light on the benefit of open government practice- it builds trustworthy partnership between government and civil society. He stressed that Nepal would benefit from the membership of OGP, adding that it helps promote transparency, accountability and citizen empowerment. For strengthening good governance open government and open parliament practices are necessary, stressed Province 3 Assembly member Narottam Vaidya addressing the program. Likewise, Provincial Assembly member Chhiring Dorje Lama expressed worry over lack of coordination among media, parliament and civil society members. “Our parliament lacks enough discussion with multiple stakeholders on draft bills,” said Province 3 Assembly member Nima Lama, stressing that Assembly member should be accountable towards public.

To adopt coordinating governance and legislative approach, open government and open parliament concept would be important tool, according to Former Chief Secretary of Nepal government, Dr. Somlal Subedi.

Among other lawmakers expressing their views on the occasion were Deepak Niraula, Biraj Bhakta Shrestha, Ramesh Poudel, Sita Adhikari, Bijay Shrestha KC, Dipendra Shrestha and Public Account Committee Chair Nhuchhe Narayan Shrestha. Concluding the program, FF Chairperson Haribinod Adhikari urged the lawmakers to adopt the principles of open parliament.

Senior journalists, CSOs representatives, and lawyers also underlined the need for adhering to open parliament principles and practices in effectively carrying out law-making, representation and oversight functions. The program was attended by 61 persons including lawmakers, media persons, government officials, university teachers, and legal practitioners. 



# Open Data Training in Gaindakot and Kathmandu



**-Krishna Sapkota**

OCT 23, 2019: I had a very exciting experience to transfer the knowledge and skills that I learned from Open Data Trainers' Training to enthusiastic youths. Very indeed I was gratified to train total 28 youths, 12 in Kathmandu and 16 in Gaindakot. The title of the training was Monitoring social security allowance using open data while my learning. My aim of the session was to enable local CSOs to define the benefits of open data and use open data and RTI in monitoring social security allowance. The learning outcomes were enable the participants to describe different types of social security allowance being delivered by local government; differentiate data and open data in terms of features; identify benefits of open data in monitoring social security allowance and apply open data (website) and RTI request (paper) to collect data and find discrepancies if any on social security allowance.

The training was conducted in the framework of prior assessment, do, learn, review and apply. Assessment of prior knowledge of the participants was done by placing questions around social security allowance such as – do anyone in their family members receive social security allowance? If yes what type? How much government allocation on social security? How do they know this? It followed the 'do' part of the learning cycle engaging participants in a small exercise of matching cards on social security allowance. It enabled the environment for the participants to enter into the training subject. Participants were excitedly engaged in the exercise and quickly shared their findings in groups. Under the 'review' part, I confirmed whether the participants made proper matching cards describing the types of SSA and their definitions. Likewise, I took the participants to the websites of Kathmandu Metropolitan City and Gaindakot municipality and instructed them to find data related to social security allowances. I applied similar learning cycle in other sessions such as difference between data and open data, benefits of open data and application of open data and Right to Information request process to monitor social security allowance.

The learning exercise and engagement part of the participants went very well. Exercises were done on matching cards containing information on different social security allowance, group work and presentation (open data meaning and relevance, importance and features and localizing in their local governance context),

case study on identifying benefits of open data while monitoring public services including social security, access, use and re-use of open data related to social security allowance of the Kathmandu Metropolitan City and writing RTI request (first application to public information officer, second appeal to the head of the office and third complaint to the National Information Commission). The alignment of open data and RTI in monitoring public service also went very well.

Data access exercise did not go well in Kathmandu due to internet disruption while this aspect of the training went well in Gaindakot. Due to time limitation the participants could not concentrate much on doing exercise on up-to-date datasets related to social security allowance. The training should at least be of two days in which data access and use aspects could be exercised in a different way. Individual exercises should also be done so that participants' learning will be effective. Some follow-up and distance mentoring as well as small fellowship should be designed to make it more effective in future days. The bigger impact of the training varies in Gaindakot and Kathmandu. The participants in Gaindakot were university teachers, journalists, local CSO representatives and transparency activists who have more sense on governance. So, they took the initiative to form a loose network with the slogan of 'Transparent Gaindakot'. Albeit less experienced on governance issue, the participants of Kathmandu also made commitment to use both open data and RTI to demand governance from their local government.

Our organization is delivering a TOT to the SUSASAN project staffs based in six districts. One of the themes of the training is open data so we will use this skills to capacitate the project partners. The learning cycle, session plan and content preparation part of the training will be highly benefited from the trainer's training and subsequent conduction of two trainings. All in all, the trainer's training has become a boon for me to develop my career as a professional trainer on open data and other themes I am working for. It really sharpened my skills on designing training session, content and learning exercise and delivering training in a systematic way.

# Women in technology

**By Sambida Regmi**

The project 'Sustainable use of Technology for Public Sector Accountability in Nepal-SUSASAN' supported by Government of Canada through Global Affairs Canada (GAC) is running in its third year engaging with 12 local governments of Nepal and six CSOs. During three years of intervention, the project has been successfully engaging with local governments, CSOs and the general public, especially women and marginalized groups to improve the status of human rights as well as accountability at local levels. With the aim to empower local staffs, one of the projects targeted local government Dhangadi Metropolitan City along with local project partner Rural Development and Research Center (RDRC) of Sudur Pashchim Province organized a session on E-sifarish also known as Electronic Recommendation System. E-sifarish is a digitized format, offline platform/system to generate various recommendations "Sifarish" that are issued by Ward Office for the service seekers. In order to make the ward representatives aware about the use of this technological tool developed by the project one day event was organized at Dhangadi on November 5. The representatives from all 17 wards were presented during the training session including ward secretary. The introduction of e-sifarish system will make the of service provider's work easier and efficient as they do not have to spend time drafting letters.

Out of 30 participants, 14 were female and 17 represented Women and marginalized group. The female participants were more attentive during the session and seemed enthusiastic to learn about technology, as it was new to them and their eagerness to update themselves was apparently noticeable. In today's scenario, technology plays the major role for doing the work efficiently. Since the Metropolitan Office had provided digital literacy class to all the staff members of ward offices, it had helped uplift the confidence of female staffs. They no longer feel backward now.

One of the participants, out of excitement, said, "I was nervous before to use computer. But, after training, I am now able to use it and I gained confidence to work with the use of technology." With time people have to move on and in case of Nepal, a male dominated society, women need to be strong and updated on their work in order to adjust and excel themselves with the changed context. During the practice session, I had the opportunity to interact with few female staffs about the use of technology and how it helped them ease their workspace. Most of them had the same answer, "The format is convenient for both service provider and service seekers. Importantly, it will save our time in drafting the letter and save time." Hearing their thoughts and seeing how they carried themselves out helped me create a mental picture of how advocacy and technology had helped women empower and raise their level of confidence in their local context. Seeing middle aged women from a local level so confident and empowered, sparked my passion and motivated me to keep going. I hope through SUSASAN we continue empowering each other and enhance responsiveness of public institutions for addressing diverse needs of citizens.

Continued from Page 1

Harihar Birahi, also worried that journalists are still working under threat and fear. Self-censorship has ruined independent reporting. Misuse of media is also a growing concern, he added. "As the press itself is in terrified state, other sectors are obviously also under threat," he underscored.

### Elusive justice suffers members of victim journalists

Also speaking on the occasion, Ms Manisha Dhital, daughter of slain media entrepreneur, Devi Prasad Dhital, wondered, "Who killed my father and why? The police officials used to say the murder will be found soon. But, why not apprehended him/her till date? Don't we have right to get justice?"

Basanti Devi Joshi, spouse of disappeared journalist, JP Joshi, viewed sobbingly, "Only a ruined skeleton was shown to us. A small monetary help was given very late. Since that, I've been raising children with much paucity and backwardness. I've not got justice. I kindly request every one of you again to continue lobbying for the justice. Who killed my husband? And why?" She questioned the justice system of Nepal.

Shabu Sharma, daughter of slain journalist, Nabaraj Sharma 'Basanta', recalled, "I was very young. I was not aware about the murder of my father. My mother also died after five year of my father's killing, much to the trauma. We have even a younger brother. We-orphans-were picked up for help by a welfare organization. Now, when some say 'father', 'mother',

I find it awkward, weird. We, the hapless children faced dark days for long. Now, we are coming together with you people. When I came to know my family needed justice, then I decided to study law. I'm now LLB student."

Moreover, Trishna Acharya, daughter of slain journalist, D Kaundinya, requested all sides available there to continue the issue of justice to victim journalists' family even after leaving the program venue. "I condemn the government for keeping us in this dark, for not addressing our voices, for not providing justice to our parents' murder", she fumed.

Concluding the function, FF Chairperson Haribinod Adhikari said all sides effort was needed to voice for journalists right and justice to victim family. FF created such platform to share the information on the status of impunity, which, he said would help reduce violation of freedom of expression in the days ahead.

A total of 100 participants from media, human rights, security agency, legal practice, politics, government bodies, research, and CSOs took part in the event. Even the representatives of FF from seven provinces took part in the program. Among them, 69 were male and 41 female.

### Award

In the same program, Economic Bureau Chief of Kantipur Daily, Mr Krishna Acharya, was conferred on the Investigative Journalism Award in recognition to his contribution to the sector of economic development via journalism with special focus on tax scam, money launder-

ing and financial crime, bringing to light the financial irregularities and corruption. It made aware the public, administration, policy makers and implementers to change both in thoughts and behaviour for building good governance with reform in the relevant sectors in Nepal. The use of right to information (RTI) for the investigative reporting he did for over a decade also enhanced trust and credibility in media. It has also contributed to free media, good governance and democracy.

Similarly, RTI campaigner and advocate, Mr Bishwajeet Tiwari, was handed over the Best RTI Activist Award, in recognition to his continuous efforts in the sector of public interest and good governance with the right to information (RTI) activism. Disclosure of facts and documents from the public agencies with the filing of hundreds of RTI applications made public aware about the misuse of public resources, irregularities and corruption at local and provincial levels, which ultimately prodded the concerned agencies for improvement and enhancement of citizen's role on participatory democracy. Despite facing hostile situation, Mr Tiwari continued endeavour for good governance for over a decade with RTI awareness, campaign and training that helped bring reform in the system.

Radio journalist Mrs Sunita Rawal, was given the Courageous Journalism Award for her passion and patience to continue journalism to inform public on the issues of importance and bring change in society with the reform in various sectors. In addition to building informed citizenry, the journalism she did irrespective of the hassles and threat encouraged many fellow journalists to pursue career for the public good. She has waged struggle to get justice after the State owned Radio Nepal sacked her without prior information. She is confident that she would boost the morale for women empowerment to build equitable society.





Every award carries a purse of Rs 25,000 along with the appreciation letter.

### **Journalists won't be subjected to threat for writing news: Internal Affairs and Law Minister Karki**

Earlier, on the same occasion, FF organized a program in Biratnagar city of Province 1 on November 11.

On the occasion, FF Executive Chief Taranath Dahal, reminded that the Day is marked in memory of the journalists killed en masse in Philippines in 2009. In this connection, FF is conducting this campaign across the country, drawing attention of stakeholders including government, police, human rights defenders and security agencies and law enforcement agencies, he added.

He further said the objective of the day is to review the challenges being faced by journalists for their works and create pressure to enable environment conducive for journalists. It is also to demand commitment from stakeholders to ensure safe working environment for journalists.

Minister for Internal Affairs and Law at Protince-1, Hikmat Karki, viewed local body is mandated to regulate local media and they were working to develop mechanisms for creating environment to cover the news and build opinions. Safe environment for freedom of expression and right to information is the responsibility of local government so we are focusing on local and provincial governments.

National commitment for SDGs and several programs are being made. SDG goal 16.10.1 is safety of journalists. No journalists should be the subject of attacks and harassments while

carrying out their duty to inform the public, he stressed.

Province-1 General Secretary of the Federation of Nepali Journalists, Bibek Gautam, complained that state involved crimes against journalists are not well-reported and obviously not put forward for legal recourse. Itahari mayor Dwarika Lal Chaudhary's blatant threat to journalists was one of the recent examples showing the situation of press freedom. FNJ mission took place and suggested the victim to go for legal recourse in the case.

Threat to journalist physical and professional safety are increasing and the state of self-censorship is still on, he added, informing that the state apparatus are still involved in creating

fear against journalists. Morang Chapter Chair of FNJ, Bandhu Pokharel, viewed media is sometimes more stronger than political parties. Struggle for democracy and freedom is still on. "We think that the political parties which were the ally in the fight for democracy and rights now are maintaining indifference to press freedom and freedom of expression," he observed.

District Police Office Chief, Superintendent of Police, Biswo Adhikari, said media vigilance on police is welcomed but it should be constructive. Impunity is the failure of regime and governance. Nepal Police is committed to provide security to journalists and people, he added.

FNJ Province 1 Chair Bikram Luitel said there are two types of threats – physical and psychological – still marring journalists to exercise their media freedom. Itahari municipality Mayor issued threat but all remained silent. Neither the ruling political parties nor the government took stern action against him. The ruling party did not even ask a single question. Press freedom violation incidents are decreasing because we are not writing any news against local government and we are taking some incentives from local government, he mentioned.

INSEC Province 1 Chief, Som Raj Thapa, said the crimes against journalists are increasing according to INSEC human rights year book. Not only police but other state mechanisms are also hostile to media freedom. Criminalization of politics and politicization of crimes have created trouble, according to him.



## “Without press freedom, democracy cannot be saved, therefore, the government should play important role to end impunity for crimes against journalists.”

National Human Right Commission Province-1 Acting Chief Tika Dahal, shared even the NHRC was also monitoring the status of human rights violation including media freedom. It also issues press alerts and statements.

Biratnagar Metropolis Mayor Bhim Parajuli said, “We are committed to defending media freedom and ending the related impunity. I know the pain and plight of journalists as I used to practice journalism. There are high risks to journalists from physical and psychological aspects.”

### Violence against journalist won't be tolerated: Province-2 Minister Yadav

Similarly, at the program held to mark the Day in Janakpur on November 9, Province 2 Minister for Internal Affairs and Law, Gyanendra Kumar Yadav committed that his Province would work for the safety of journalists and media workers. Victim family would be supported. The Province will not tolerate any kind of violence against journalists, he said, informing that they were planning for journalists' insurance to provide them financial security.

At the program, FF Chairperson Hari Binod Adhikari opined that to ensure press freedom and human rights, impunity must be ended. Adhikari said, “Without press freedom, democracy cannot be saved, therefore, the government should play important role to end impunity for crimes against journalists.” At the program, FF gathered 30 participants from media, human rights defenders, legal practitioners, political representatives, right to information campaigners and representative from civil society organizations.

### Both State, Journalists should be aware: Gandaki Province Minister Chuman

Moreover, at the program organized to mark the International Day to End Impunity for

Crimes against Journalists at Gandaki Province in November, Minister for Internal Affairs and Law, Hari Bahadur Chuman, said both the State and journalists should be aware to end impunity for crimes against journalists. “I’m committed to making State side respected,” he vowed.

Similarly, Kaski District Chief Administrative Officer, Ramesh Kumar KC, said the journalism should be made professional. “If anyone faces threat because of writing news, we look after for his/her safety,” he said, adding not only physical but also economic and social status of journalists should be viewed equally.

Gandaki Province Chief of Police, SSP Rajesh Kumar Lal Karna, however, admitted that it was difficult for the journalists to collect news during the VVIP's visit owing to their security concern.

Similarly, university teacher Bedhari Timilsina said journalism can not function properly in pressure and intimidation.

Noted journalist Narayan Karki viewed that journalism was facing growing risk because the journalists were acting as political parties' spokesperson. Ms Bina Shilwal from NGO Federation said new journalists were not finding guardianship to develop profession.

Moreover, active journalist Sarita Pangeni argued that the bills and acts the government brought recently were creating adverse atmosphere for investigative reporting.

Advocate Rammaya Lamichhane from Freedom Forum said cooperation to media from other sector was essential for the media is a tool to build informed citizenry.

### Karnali State ready to end impunity relating crimes: Karnali State Minister Bhandari

Similarly, on November 18, Freedom Forum and Karnali Foundation jointly held a program on this occasion in Karnali Province. At the program held at Birendranagar, which was attended by 41 persons from various fields as media, academia and government, Minister for Internal Affairs and Law in the State, Naresh Bhandari, showed commitment that Karnali Province was ready to end impunity for crimes against journalists.

He admitted that activities against free press were growing. “Therefore, Karnali Province would take initiative to end violence against journalists,” he vowed, adding the journalists should also abide by the code of conduct. The

Minister added that Karnali government has launched health insurance program for financial security of journalists. According to him, Rs 250,000 was provided to the family of journalist Nandu Gelang who had died in accident.

Chief Attorney of Karnali Province, Bidhya Bhusan Manandhar, however, said once the journalists maintained free and fair conduct, press freedom violation would decline.

Similarly, Police Chief at Karnali Province, Purna Chandra Joshi, said the police authority was always ready to work together to reduce impunity relating to crimes against journalists.

Vice Chairperson of Federation of Nepali Journalists in Karnali Province, Dambar Acharya, demanded that State provided safety to the journalists.

Reporter for Gorkhapatra daily from Surkhet, Muna Hamal, shared that not only she but also her family was panicked for reporting.

Another journalist Yagya Khatri said atmosphere for free reporting was ruined lately.

On the occasion, FF General Secretary Dharmendra Jha presented the data showing growing trend of press freedom violation in the recent years. “If journalists themselves are not safe, how can the rights of common citizen be ensured in the country,” he wondered, urging all concerned to make collaborative efforts to brave increasing hostility to freedom of expression in recent time in Nepal.

### Unite in single umbrella for rights, Minister suggests journalists

FF also organized a program in Sudur Paschim Province to mark the International Day to End Impunity for Crimes against Journalists on November 21. At the program, Chief Guest and Minister for Internal Affairs and Law, Prakash Kumar Saha, argued as long as the journalists are politically divided by disturbing their profession, it would be difficult to ensure them safety.

He suggested journalists to be associated with single organization for the advocacy of their rights, rather than making various splinter organizations.

“We're aware that Sudur Paschim has the issues as of journalists JP Joshi, Prakash Thakuri and Teju Khadka. We'll provide relief to their families,” he added.

Chief District Administrator at Kailali District, Yagyaraj Bohara, reminded that journalism is the voice of voiceless. As journalists bring to public various secret deals, they obviously face risk. But, those making anything wrong to media should be booked. "I'm confident that investigation should be launched on JP Joshi's case. Administration is always ready to cooperate for the safety of journalists," he vowed.

Deputy Inspector General of Sudur Paschim Province, Tarini Prasad Lamsal, said, "I begin investigation again on murder of JP Joshi and disappearance of Prakash Thakuri and Teju Khadka."

Province Chief of the National Human Rights Commission, Jhankar Rawal, said collaboration among various sectors would help minimize risk to journalists. Kailali district chief of Informal Service Sector Centre (INSEC), Krishna BK, wondered why the government failed to nab the killers of journalist. It is because of impunity, journalists are unsafe.

### Capacity building for professionalism: Minister KC

The FF also conducted the End Impunity program in the capital of Province 55 on November 16. Minister for Internal Affairs and Law at Province 5, Kul Bahadur KC, pointed out the need of capacity building of journalist to ensure their safety and professionalism. He admitted that one journalist was used against another journalist, which must be ended.

In the program, senior journalist Balkrishna Chapagain expressed worry over growing fear and insecurity among journalists in the province. He accused the political parties of failing to ensure safety of journalists and development of media. Central Vice-President of the Federation of Nepali Journalists (FNJ) Bipul Pokhrel said the existing laws are hostile to journalists and free press.

Freedom Forum General Secretary Dharmendra Jha made the participants aware about FF

motoring of press freedom and urged all to be united for rights of journalists. Impunity for crimes against journalist must end, he stressed.

### Province 3 will be media-friendly: Minister Jamakattel

Similar program was held in Hetauda, capital of Province 3, on November 14. At the event, Minister for Internal Affairs and Law, Shalikram Jammakattel, assured that Province-3 would be media-friendly. He made commitment that zero tolerance would be adopted in terms of attack against journalists.

At the event attended by various government officials including from judiciary and security bodies, Freedom Forum's Chairperson Hari Binod Adhikari said FF was continuously working for journalists' rights and free expression since its establishment. The nationwide program on End Impunity Day is believed to remind government bodies of their roles on journalist's safety and related impunity. 

## Law/Policy Watch

**A.** As part of the legal and policy watch, Freedom Forum made the review of the Mass Communication Policy brought by the Gandaki Province and Nepal Special Service Act brought by the federal parliament. The study and review of the Special Act revealed that the provision on 'interception' was damaging to free reporting. It would foment self-censorship among journalists, pose serious risk to source protection and kills investigative reporting. Therefore, FF strongly recommended the federal parliament to amend the concerned provisions. FF submitted the proposed amendments and policy briefs on the Act to influential lawmakers from the ruling and opposition political parties in both the upper and lower houses of the federal parliament. The bill, registered on 30 Dec, was matter of concern for various media institutions, editors, media-related CSO and other stakeholders as the provisions were against the right to privacy, subsequently affecting adversely the right to freedom of expression guaranteed by the Constitution. Among suggestions, some are- the bill should repeal Clause 10 (2) wherein the intelligence agencies can directly monitor or intercept calls and

conversations by merely getting approval from the department head; Nepal Special Service Bill should incorporate a separate section authorizing an independent court to order or approve the search warrant to intelligence agencies; the judiciary should only issue search warrant when and if convinced that there is no alternative medium by which the desired information can be reasonably obtained.

**B.** FF pointed out the faulty provisions in the Mass Communication Policy of Gandaki Province. FF has provided 27 separate recommendations to amend, add and repeal some provisions which are detrimental to the functioning of journalism effectively and efficiently. The bill consists of misleading, vague and confusing terminologies to define terminologies like publisher, station chief, etc. which should be redefined for clarity. Excessive authority is given to the Office of Press Registrar to levy punishment to the journalist. Office of Press Registrar employs the officer of same rank as the under-secretary of the administrative level. Thus, it is against the principle established by natural justice to provide the excessive authority to the said office to order the sentencing punishment to the journalists. Such rights can be easily misused. The bill

provides separate licensing provision to online news portals/ online news channels. It discourages journalism through digital medium. Rather it should be looked upon by taxation law. It has the provision of hefty punishment to the journalists.

**C.** Freedom Forum also provided comments and suggestion on the draft bill on FM radio and television broadcasting prepared by the Sudur Paschim Province. The province is suggested to be clear on policy and prepared the bill thereafter. Most of the provisions in the bill are control oriented. As per the bill, there is a provision to form a board to look after radio and television having members as minister, secretary and representative of the chief secretary. Comprising government officials in the board is making the board no more than an office under the ministry, which would not be autonomous, inclusive and free. Similarly, unlike the provision in the bill, it is better to have separate autonomous body for licensing and renewing of the media. The province is suggested including the provision of journalists' safety in Section 18 of the draft bill. 

# Discussion on RTI and Rule of Law

Freedom Forum organized a dialogue in collaboration with Center for Rule of Law on Rule of Law and Right to Information in Kathmandu on November 8. The program was attended by lawyers, academicians, researchers, media persons, RTI activists including other stakeholders.

The main objective of the event was to explore the relationship of rule of law and right to information for promoting freedom of expression and civic space in Nepal.

Highlighting the objective and the theme of the dialogue Sanjeeb Ghimire, Program Manager at FF shared basic principle and characteristics of rule of law as well as right to information.

Chair of Center for Rule of Law, Narayan Prasad Ghimire, expressed foundational idea of rule of law and its principles along with the illusion of idea of rule of law with rule by law. Further, he mentioned that the RTI works as a

catalyst for ensuring rule of law but the voice of civil society on the issues was still lacking.

Another speaker Dr. Ramkrishna Timilsena said state has the prime duty to assure the rule of law in society whereas citizen need to be proactive for implementing RTI. He stressed that only legal provisions are not enough for rule of law, it needs to be materialized in practice. He concluded his expression that both concepts only materialized only with thriving civic space

Chief Executive at FF Taranath Dahal mentioned that the right activists and CSOs played a crucial role to enlist RTI as a fundamentally guaranteed right in the constitution of 2047 BS and later too. He spoke on the linkage of participatory democracy, civic culture, socio-economic change, systemic corruption and culture of impunity with right to information and its practices. Dahal further urged that without

citizen's move on RTI and CSOs pressure to end the impunity both ideas couldn't be fulfilled in real sense.

Professor Kashi Raj Pandey from Kathmandu University stated that the one who does not provide information should be ashamed. He urged for more media advocacy to make it public.

Advocate Rammaya Lamichhane said that demand side lacks information on RTI but supply sides well aware about it though reluctant to provide the information accordingly. It seems that the authority for maintaining law and order is dwindling rule of law. The experts responded to the queries in the event. The program, held as part of the program "Civil Society Mutual Accountability Project (CS: MAP)" with the support of FHI360, was attended by 55 participants. Out of 55 participants, there were 5 females in the event. 

## Advancing audit accountability

Freedom Forum co-hosted the 'Advancing Audit Accountability: How can we strengthen responsiveness and actions' workshop in Kathmandu on 11-12 December amidst the distinguished participation from six different countries of the globe. The Office of the Auditor General of Nepal, the International Budget Partnership and Freedom Forum hosted the international event as part of the audit accountability initiative.

"Under the initiative, a community of audit experts in various countries, including Nepal, Ghana, Tanzania, Argentina, Mexico and Sierra Leone is testing a hypothesis that enhanced strategic engagement and between key oversight actors and from within and outside government can promote action on select audit findings that are currently being ignored by governments" informed Claire Schouten, Senior Program Officer of the International Budget Partnership (IBP) which convened the learning initiative. The event was expected to help catalyze relationships among various oversight actors in target countries, clearly communicate the problems identified by audits and spur actions that are needed to address these problems.



"As a partner of the initiative, we are testing the hypothesis in regard to the performance audit on users' committee of Nepal undertaken by Office of Auditor General (OAG) through the intervention of communication, engagement and research activities", said Taranath Dahal, Executive Chief, Freedom Forum. The lessons from this initiative can generate evidence on how audits truly become tools for enhancing government accountability. This meeting brought together participants from supreme

audit institutions, civil society representatives, who had engaged extensively with audit agendas in their countries and international public finance specialties who are knowledgeable on audits. "The meeting will build on lessons and recommendations that emerged from meetings on audit accountability in 2016, 2017 and 2018", Claire added. The key expected outcome from the workshop was the advancement of strategies to strengthen collective actions and responsiveness of government to audits of public concern. 

# Media union for reforming PSB bill

Freedom Forum organized a strategic discussion on Public Service Broadcasting (PSB) and its proposed bill on October 25. The main objective of the meeting was to share the brief highlights of proposed PSB bill and facilitate for common understanding among stakeholders, mainly the trade union representatives of Radio Nepal and Nepal Television including others.

The discussion stressed to revise the conflicting provisions for better future of PSB and its law in Nepal. The proposed bill already got the approval from Ministry of Finance, Ministry of Law, Justice and Parliamentary Affairs, and Ministry of Communications and Information Technology has sent the draft bill to the cabinet for final approval. It is assumed that the State-owned Radio Nepal and Nepal Television will be merged as a major public service broadcaster as per the proposed PSB law. The major issues related to the draft bill were the formation of the council and its functions, formation and function of executive committee, formation of



recommendation committee, dismissal of chair and members, major fund of the broadcaster, submission of the annual report and accountability measure, public accessibility of the signal of broadcaster, reflection of diversity, quality of the content, editorial independence, strategic partnership including others. Taranath Dahal, Chief Executive, Freedom Forum, highlighted the issues of the draft bill and asked participants to collaborate with stakeholders to reform the bill in time. Participants from different trade unions of both Radio Nepal and NTV showed their commitment for collabora-

ration with the policy advocacy organization for reforming the draft bill. They focused the continuity of togetherness on policy advocacy and lobbying and creating awareness and common understanding in regards to the major flawed content of the bill among its stakeholders. Most of the speakers stressed the role of PSB as a democracy building means which will help citizen engage in the decision making process. Altogether 20 participants, including five female participated in the strategic discussion event. The program was held as part of the review of media policy.

## Publications

**1. SUSAN Training Manual:** The training manual is especially focused for the Training of Trainers (ToT) facilitators and practitioners to organize sessions on four major thematic areas: open data, budget transparency, citizen reporting and grievance reporting to promote civic participation in governance and accountability mechanism at local level. The manual will be circulated to all the local partners of SUSAN project as well as CSOs. The manual is expected to be a solid reference and a supportive document for individuals to develop a brief idea on the given topics and a guiding principle for conducting training for local government and make them aware them on principles of open data, budget, citizen reporting and grievances handling. Link: <http://freedomforum.org.np/download/trainingmanual/?wpdmdl=4087&refresh=5e1493e85d-b8c1578406888>



**2. Poster on Process of RTI filing and request information:** The Poster was developed with the aim to improve citizen engagement, especially by WMG and to strengthen public sector accountability and responsiveness in all local levels. The RTI poster illustrates a basic process how a citizen can seek information and use proactively disclosed information in line with the constitutionally and legally guaranteed right. Link: <http://freedomforum.org.np/download/poster-of-rti/?wpdmdl=4111&refresh=5e15889be56ea1578469531>



**3: Informative pocket book on local level planning process:** The pocketbook "Planning, Budgeting and Implementation in Local Level" is a handy capsule with the information about planning, budgeting, implementation, monitoring and auditing process of local level. This awareness material can enhance the leadership capacity and to encourage participation in democratic decision making process focusing WMGs. This pocketbook is useful to all local representatives, government officials, parliamentarians, CSOs, journalists as well as other general public. Link: <http://freedomforum.org.np/download/informative-pocketbook-of-local-level-planning-process/?wpdmdl=4108&refresh=5e15816f5eb6b1578467695>



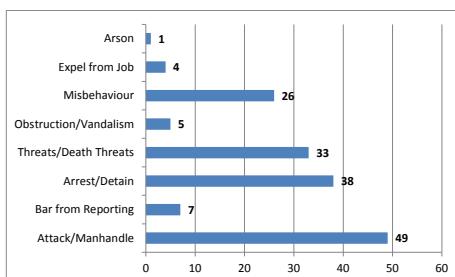
# Rule by Law: Huge Threat to Nepali Media

Online media at receiving end; press freedom violation highest in recent seven years

Summary: Continuous upward trend on press freedom violation, sheer ignorance to impunity relating to crime against journalists, coordinated attack to discredit media and journalists, move to suppress FoE and media freedom with rule by law, deepening non-transparency with non-disclosure of information and mounting harassment with arrest of FoE practitioners- poet, singer, rapper, artists- portray worsening situation of media freedom and free speech in 2019.

Freedom Forum recorded a total of 111 press freedom violations this year (January 2019 to December 31, 2019) against 98 recorded last year. The press freedom violation is recorded highest in the seven years. In 111 incidents of press freedom violation, as many as 163 journalists from various media were directly affected. In line with the federal system, a new model of governance in the country having three layers of government- local, provincial and federal- are getting institutionalized by bringing laws and policies, conducting activities for development and governance. It is good that new laws and regulations are being made to implement the constitution, but equally worrying is the growing hostility meted out to media- both in law with restrictive provisions and in practice with threats, attacks and arrests. Freedom Forum keenly observed the broader aspects of freedom of expression over this past year. From print to online media, from journalist to artists and writers, and information seekers, whether these practitioners of FoE were obstructed and intimidated in their profession was the focus. This report dwells on these issues.

## Number of total affected journalists in different press freedom violation: 163



## Some Highlights

- Province 3 witnessed the highest number of press freedom violations (40) followed by Province 2 (29), Province 4 (12) and Province 1 (11).
- The number of journalists affected are 38 (arrest/detention), 49 (attack/ manhandle), 26 (misbehavior) 5 (vandalism / obstruction), (4 expel from job) and 1 (arson).
- This year too, Kathmandu Valley housing the federal capital, alone witnessed 40 number of press freedom violations.
- In the total 111 violations, the number of male journalists affected were 158, while female 5.
- The data shows that public officials comprise highest in number to intimidate media/journalists.

## Laws and Policies

The efforts made at three tiers of government to prepare necessary laws and policies to suit the changed context is appreciative. However, the way the efforts are made for it are disappointing- inclusive and participatory process is avoided in law/policy making; provisions limiting FoE and mass media are foisted. The efforts are indeed aimed at violating the constitutional rights.

The Development and Technology Committee of the House on Sunday (Dec 29) passed the controversial Information Technology Bill without making major amendments, which many fear could curtail freedom of speech online and increase surveillance of personal data. ... It also has provisions of hefty fines or imprisonment of individuals who post "improper" content on social networking sites that the authorities deem discrediting individuals and an attack on national security.

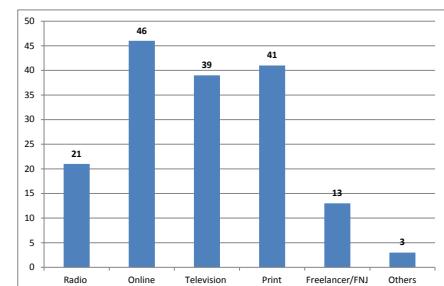
The Bill was forwarded to the House of Representatives despite any amendments that are supportive to the free press.

Similarly, the taskforce made last year to amend the regressive provision on Criminal Code, which came into force early last year, failed to do anything as legal reform that favours FoE atmosphere. Owing to the pressure built on government with suggestions and protest, the taskforce was formed to check the provisions on the points as national security, social security, defamation, libel, blasphemy, hate speech and privacy, but no initiation has been taken to this regard. In the name of these points, FoE would be criminalized.

Although Individual Privacy Act was passed, no expected change was made, thereby weakening the prospects of investigative journalism, risking common citizen's data and privacy.

The introduction of Advertisement Act centralizing the distribution of government advertisement is equally worrying, for it is to bring financial crisis to small media and invites chance of media misuse. It has criminalized advertisement contents.

## Violation as per media



The Media Council Bill, which is currently at the Legislative Committee of the Upper House, the National Assembly, is yet to be made favourable to media freedom.

Province 1, 2, 5, and 6 brought the media and information rights related laws do not comply with constitutional provisions (Article 17, 19, 27 and Annex 6, 7 and 9) and international standard of FoE. It is also worrying indeed.

It is appreciative that the law (FoE related) making process at Province 2, Gandaki Province and Far-West Province is inclusive and participatory. But, the draft laws have not proposed progressive provisions.

Many local governments have come up with various media regulation. It is difficult to check whether these abide by the national charter and FoE standard. However, it can be said they are made in a control-oriented manner. Complexity is created with numerous regulations.

On the other hand, no initiatives were taken on much talked public service broadcasting bill for the transformation of Radio Nepal and Nepal Television, and mass media bill for amending old media laws for the changed context. These were the need at present but no initiation was taken from the State side on these needs.

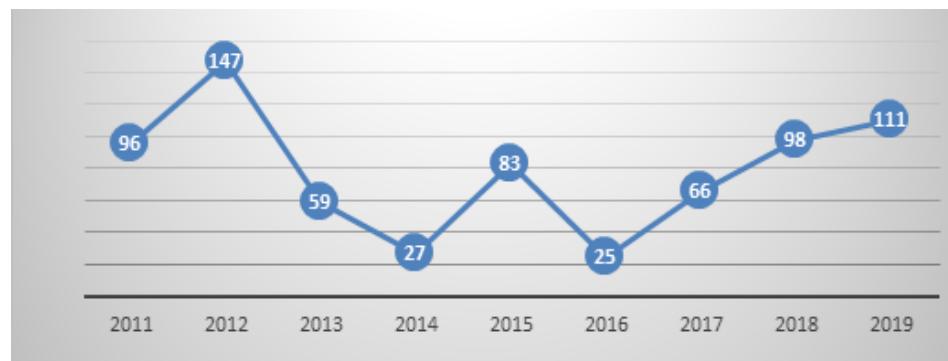
## Trend Analyses

Disappointing it is that media persons are directed how to report news; defamed over news; mocked at over language and grammar; decried as tool captured by 'bourgeoisie'; blamed that journalists are 'guided'. Responsible persons as government spokesperson, prime minister, and chairperson of the ruling party are making such remarks. It is deplorable development of late. The remarks from the top level have encouraged systematic and coordinated efforts to keep journalists under government control and shrink civic space.

The number of press freedom violations growing every year is evidently unfavourable atmosphere for media freedom. At a time journalism is expected to flourish along with growing issues and agenda in view of the three-tier government, the increase in press freedom violation shows shrinking space to media persons.

Compared to the previous year, more numbers of journalists from online media are in target, which implies that digital media would see more threats in the days ahead. Together, it shows attention and importance to new media is on rise.

## Press Freedom Violation from 2011 to 2019



Among the violations, the highest number of assailants belonged to the public entity- government staffs, security agency and people's representatives. It is strong reminder that public officials are not tolerating media and journalists' reporting. Continuation of such suppression endangers free press and democratic values. At local levels, media persons are lured of financial gain, misused, and suppressed to kill news. Networks of government media are proliferating in a way it would be difficult to check their contents.

Another alarming trend this year is number of arrest and brief detention hopped from 13 to 38. Journalists and other FoE practitioners as poet, singer, information seekers, anti-corruption campaigners and rapper are harassed immediately with detention and arrest. The security agency might have been encouraged and pro-active to arrest FoE practitioners also because of the atmosphere being created for their highhandedness with tough laws in the making.

1. Anti-corruption activist Gyanendra Shahi has been severely beaten in Chitwan while he was leading an anti-corruption demonstration in the district. Shahi was beaten black and blue by a group of unidentified youths on Saturday when he was leading an anti-government demonstration at Chaubishkothi in Bharatpur. The group also vandalized the vehicle belonging to the activist.
2. A satirical video of a song uploaded on YouTube demanding good governance and an end to corruption in Nepal was withdrawn by the singer two days after its release on 16 February 2019. Popular folk singer Pashupati Sharma pulled out the viral song Lutnasake lut kanchha (Loot, loot, brother, loot as much as you can!) after the youth wing of the ruling Nepal Communist Party (NCP) – Youth Federation Nepal – issued a circular addressed to its cadres to protest against the song by Sharma in all districts across the country.
3. YouTube presenter and comedy artist Pranesh Gautam was arrested for his comments on a film in federal capital, Kathmandu, in June.

4. Rapper Samir Ghising, popularly known as VTEN, was taken into police custody by a team of Metropolitan Police Crime Division (MPCD) from Jawalakhel, Lalitpur, on October 24.
5. Film makers have put it that censorship was mounting on film development. They are asked and ordered to make suitable titles. The government body decries the words used in film. Similarly, even the book publishers are now obliged to give notice to the government before publishing book.

The police had caught Ghising for the use of 'obscene words/lyrics.' VTEN is a heartthrob of many young people for his popular song, "Hami Yestai Ta Ho Ni Bro". Similarly, folk singer Sharma had sung exposing the deepening corruption in the country involving high profile people.

The arrest of singer, rapper by the police is sheer misuse of Electronic Transaction Act. The moral policing initiated by the security force is detrimental to free press. It has spread fear among all FoE practitioners and advocates, which does not suit to democracy.

Continuous trend of making restrictive laws indicates criminalization of FoE in online and offline space would grow more in the days ahead.

The misuse of state/government-owned media has alarmingly grown this year, thereby creating atmosphere to spread single political narrative, propelling biased news and views. Sacking journalists from State owned Radio Nepal, less space to opposition and critical voices, and clarification sought from editors at the news agency are glaring examples to this. It has created the environment where spread of misinformation would be amplified.

RSS journalists working at the English desk of the news agency face the probe for translating and disseminating a wire report about the Dalai Lama being discharged from a hospital in New Delhi and his return to Dharamshala on April 27 after treatment. Journalists Prakash Bahadur Bam, Chakra Kunwar and Sunita Rawal work-

ing at Radio Nepal Regional Transmission Centre, Dipayal of the state-owned Radio Nepal for years, were dismissed without fulfilling any administrative procedures, without any prior notice.

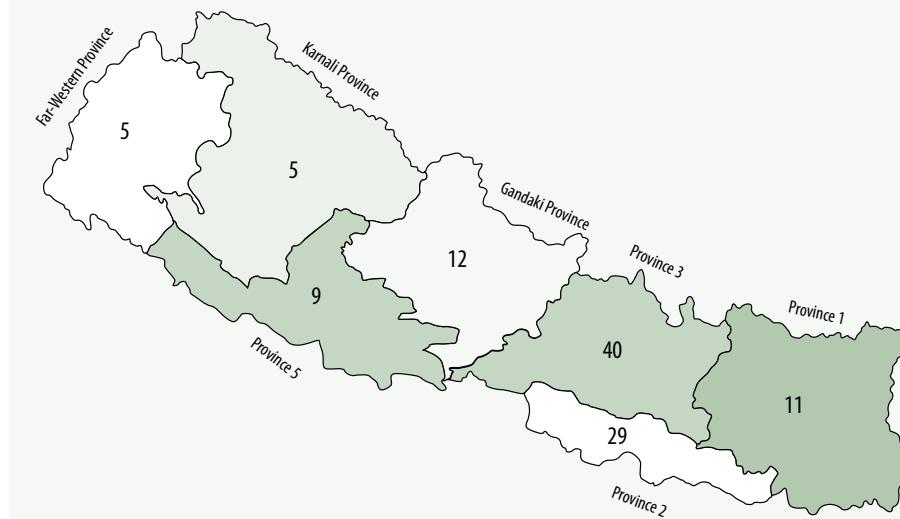
Still, as other sectors are, Nepali media are male dominated. It points out need of more number of women in media house to diversify media contents. Women's presence in media can work a step ahead for media pluralism, which serves better to the public. Electronic Transaction Act (ETA) is always a serious concern since its inception, as it is misused often to harass journalists with arrest. The Act made to check financial transaction, has been used to panic media sector too. For long, the ETA has been decried. But the State agencies have been continuously using it to apprehend journalists and common citizens for exercising freedom of expression online. Editor of the Tandav news weekly, Arjun Giri, was arrested in April for writing a news story about financial fraud involving a business person in Pokhara city. With the complaint of businessperson, editor Giri was arrested in Pokhara and brought to Kathmandu for a cybercrime case under the ETA Section 47.

Non-disclosure of information is deep rooted in Nepali public agencies. At a time when the local and provincial governments are expected to be pro-active in the federal set up, the non-implementation of RTI is upsetting here. Although it is appreciative that Nepal has institutional and constitutional mechanisms to amplify the right to information regime for good governance by building informed citizenry, harassment to information seekers is still unabated. Freedom Forum had the story:

A local Rambabu Mandal was beaten by Ram Shankar Paswan, Chairperson of Ward No 18 from Janakpurdham Sub-Metropolitan Office for seeking information relating to the activities of the Sub-Metropolitan Office. As the monitoring story stated, Mandal was beaten by his own Ward Chairperson Paswan in the presence of Mayor Lal Kishor Shah. Another worth noting here is non-action—no commitment from government side on the SDG 16.10. (a and b) which are related to journalists' rights and effective implementation of right to information. Even the baseline on these was not prepared. It warrants serious attention.

Long pending issues of impunity relating to crimes against journalists who were killed and disappeared in the past is yet to be addressed. Verbal commitment from political leadership has further aggravated the condition of the family members of the journalists victimized in the past.

## How many violations in your province?



## Professional Safety of Journalists

In addition to the restrictive laws, Nepali journalists are facing various other problems including low professional skills and knowledge, negligible payment, which, they argue, have affected professionalism. Misuse of media persons for the news on one's favour has grown. News is killed in the field, as the media persons out of the federal capital said:

We, journalists, are being used/misused by political leaders and people's representatives and spoiling professional integrity. Journalists as press coordinator are killing news from the very sources/field. Nepali media is largely concentrated in cities, especially the federal capital. It has posed huge gap in terms of journalist's capacity, sustainability of media and strength of media advocacy for public good.

It is welcome indeed that Nepali media have gradually given space to women. However, no concrete action and commitment has come from the government side for the safety of women journalists.

## Social Media

Social media- internet based media and social networking sites- has big role to create public sphere in Nepal. These are the tools to democratization of society and the system. But, in the name of regulation and digital taxation, efforts to control Facebook and YouTube are upsetting. Hefty fine, mandatory provision

to register social networking sites, blanket approach adopted in the name of curbing 'indecent materials', vigilance on ISP, and surveillance of critical commentators with mobilization of ardent followers of government, would obviously shrink citizen's space to freedom of expression online. It is estimated that more than 10 million Nepalis are Facebook users, and over 1 million in Twitter. The internet penetration has reached near 70 percent of the total population. These are appreciative developments. But at a time when new broader policy and law is needed to address various issues including FoE online, the law to this are drafted exactly reverse.

## Observation and projection

The above mentioned points paint grim picture of Nepali media. Increasing adversity to working journalists is upsetting development. Overall trend indicates that rule of law is getting replaced by 'rule by law'. Suppressing press freedom with stringent law marks this year. At a time when new policies and laws are required to fit the changed contexts along with technological advancement, the government step to spoil entire internet ecosystem is appalling. So, time has come for all sides of FoE - media, academia, CSO, law practice- to work together to protect and promote freedom of expression and journalists' rights to nurture democratic values in Nepal. A strong solidarity among FoE advocates and practitioners with robust cooperation is a present day necessity to protect FoE from the systematically coordinated efforts against it. 

# Self disclosure update

Type and Nature of Organization	NGO working for Democracy, Right to Information, Freedom of Expression, Fiscal Transparency and Open Data, Media Policy and Law, Internet Freedom																									
Legal Status	Registered at District Administration Office Kathmandu. DAO Registration Number: 127/062/63, SWC Affiliation Number: 18518																									
Location	Adarsa Marga, Prasuti Griha Road, Thapathali, Kathmandu																									
Staffs and Roles	<b>Taranath Dahal:</b> Executive Chief, coordinates overall organizational and administrative affairs <b>Aruna Adhikari:</b> Finance and Administration Officer, looks after accounting and administrative affairs and performs responsibilities as the Information Officer. <b>Nanu Maiya Khadka:</b> Gender Monitoring Officer, responsible for monitoring media content on gender perspectives <b>Manju Ojha:</b> Front Desk Assistant, <b>Kamal Poudel:</b> Driver, <b>Ganga Kumari Gurung:</b> Office Assistant <b>Aditya Dahal:</b> RTI App operator																									
Projects	<b>Krishna Sapkota</b> - SUSASAN (CONSULTANT), <b>Narayan Ghimire</b> - CACFRIM (CONSULTANT), <b>Pramod Bhattarai</b> - SUSASAN, <b>Sanjeeb Ghimire</b> - EEMIR, <b>Bhawana Poddar</b> - EEMIR, <b>Bobbish Dhakal</b> - EEMIR, <b>Sulav Timilsina</b> - EEMIR, <b>Dikchy Raut</b> - CACFRIM, <b>Deepa Adhikari</b> - CACFRIM, <b>Shanti Chaulagain</b> - CACFRIM, <b>Subash Dahal</b> - DAA																									
Ongoing Project Information	<table border="1"> <thead> <tr> <th>Project Name</th> <th>Supporting Agency</th> <th>Date of Signing the Contract</th> </tr> </thead> <tbody> <tr> <td>Promoting Open Parliament Initiatives in Provinces</td> <td>UNDP</td> <td>1st July 2019</td> </tr> <tr> <td>Enable Environment for Media Law Reforms and Improved RTI Practice (EEMIR) (CS-MAP)</td> <td>FHI 360</td> <td>30th Dec 2016</td> </tr> <tr> <td>Contributing to the Atmosphere Conducive to FoE, Reduced Impunity and Inclusive Media (CACFRIM) in Nepal</td> <td>Free Press Unlimited (FPU)</td> <td>5th March 2019</td> </tr> <tr> <td>Sustainable use of Technology for Public Sector Accountability in Nepal (SUSASAN)</td> <td>CECI</td> <td>17th April 2017</td> </tr> <tr> <td>Freedom of Expression Training for Lawyers and Legal Defense Fund</td> <td>FPU</td> <td>13th May 2019</td> </tr> <tr> <td>Open Budget Survey 2019</td> <td>International Budget Partnership (IBP)</td> <td>18th January 2019</td> </tr> <tr> <td>Driving Audit Accountability : Audit Reports for Collective Action to Strengthen Government Responsiveness (DAA)</td> <td>IBP</td> <td>30th September 2019</td> </tr> </tbody> </table>	Project Name	Supporting Agency	Date of Signing the Contract	Promoting Open Parliament Initiatives in Provinces	UNDP	1st July 2019	Enable Environment for Media Law Reforms and Improved RTI Practice (EEMIR) (CS-MAP)	FHI 360	30th Dec 2016	Contributing to the Atmosphere Conducive to FoE, Reduced Impunity and Inclusive Media (CACFRIM) in Nepal	Free Press Unlimited (FPU)	5th March 2019	Sustainable use of Technology for Public Sector Accountability in Nepal (SUSASAN)	CECI	17th April 2017	Freedom of Expression Training for Lawyers and Legal Defense Fund	FPU	13th May 2019	Open Budget Survey 2019	International Budget Partnership (IBP)	18th January 2019	Driving Audit Accountability : Audit Reports for Collective Action to Strengthen Government Responsiveness (DAA)	IBP	30th September 2019	
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Services Offered/ Activities Carried Out	Research, capacity development and policy advocacy including media monitoring, trainings on RTI and journalism, meetings, workshops, seminars and other campaigns to promote issues of democracy, RTI, FoE, fiscal transparency, human rights, local governance. It also provides legal aid to journalists, media and information seekers.																									
Responsible Authority	<b>Chairperson:</b> Hari Binod Adhikari, <b>Executive Chief:</b> Tara Nath Dahal																									
Decision Making Process	<b>General Assembly:</b> Making policies, rules and regulations of organization <b>Executive committee:</b> Formulation of action plans as per constitution of organization, rules and regulation <b>Management team:</b> Running projects and daily operational affairs and reporting timely to the Executive Committee.																									
Past and Current Activities	Please follow the link: <a href="http://freedomforum.org.np/content/category/activities/">http://freedomforum.org.np/content/category/activities/</a>																									
Information Officer	Aruna Adhikari																									
Financial Information	Freedom Forum received grants announcing Rs. 9646878.35 (October to December 2019)																									
Official Website	<a href="http://www.freedomforum.org.np">www.freedomforum.org.np</a>																									
Publications of Freedom Forum	Freedom Forum has over 50 Publications (printed) Please Follow the Link: <a href="http://freedomforum.org.np/content/publications/">http://freedomforum.org.np/content/publications/</a>																									
Annual Report	<a href="http://freedomforum.org.np/content/publications/reports/annual-reports/">http://freedomforum.org.np/content/publications/reports/annual-reports/</a>																									
Mechanism for Information Dissemination	Websites- <a href="http://www.freedomforum.org.np/">http://www.freedomforum.org.np/</a> ; <a href="http://www.nepalpressfreedom.org">www.nepalpressfreedom.org</a> , and Newsletter-Free Expression																									

## FF in Int'l Forum

Freedom Forum Executive Chief Mr.

Taranath Dahal, Policy Advisor Mr. Krishna Sapkota and Budget Researcher Mr. Subash Dahal participated in 'Advancing Audit Accountability Workshop' held in Kathmandu

on December 11-13, 2019. The event was jointly organized by International Budget Partnership, Office of Auditor General of Nepal and Freedom Forum.

Freedom Forum Policy Advisor Mr. Sapkota attended South Asia Right to Information-Learning Programme in New Delhi, India

on November 24-29, 2019. The event was organized by Commonwealth Human Rights Initiative (CHRI), India.

Similarly, Narayan Ghimire attended a training cum workshop on 'Safer Communications' organized by IFEX in Kuala Lumpur, Malaysia, on November 5-6, 2019. 

# Freedom and the Media: A Downward Spiral

By Sarah Repucci, Senior Director for Research and Analysis

The fundamental right to seek and disseminate information through an independent press is under attack, and part of the assault has come from an unexpected source. Elected leaders in many democracies, who should be press freedom's staunchest defenders, have made explicit attempts to silence critical media voices and strengthen outlets that serve up favorable coverage. The trend is linked to a global decline in democracy itself: The erosion of press freedom is both a symptom of and a contributor to the breakdown of other democratic institutions and principles, a fact that makes it especially alarming.

According to Freedom House's Freedom in the World data, media freedom has been deteriorating around the world over the past decade, with new forms of repression taking hold in open societies and authoritarian states alike. The trend is most acute in Europe, previously a bastion of well-established freedoms, and in Eurasia and the Middle East, where many of the world's worst dictatorships are concentrated. If democratic powers cease to support media independence at home and impose no consequences for its restriction abroad, the free press corps could be in danger of virtual extinction.

Experience has shown, however, that press freedom can rebound from even lengthy stints of repression when given the opportunity. The basic desire for democratic liberties, including access to honest and fact-based journalism, can never be extinguished, and it is never too late to renew the demand that these rights be granted in full.

## Attacks on press freedom in democracies

In some of the most influential democracies in the world, large segments of the population are no longer receiving unbiased news and information.

This is not because journalists are being thrown in jail, as might occur in authoritarian settings. Instead, the media have fallen prey to more nuanced efforts to throttle their independence. Common methods include government-backed ownership changes, regulatory and financial pressure, and public denunciations of honest journalists. Governments have also offered proactive support to friendly outlets through measures such as lucrative state contracts, favorable regulatory decisions, and preferential access to state information. The goal is to make the press serve those in power rather than the public.

The problem has arisen in tandem with right-wing populism, which has undermined basic freedoms in many democratic countries. Populist leaders present themselves as the defenders of an aggrieved majority against liberal elites and ethnic minorities whose loyalties they question, and argue that the interests of the nation—as they define it—should override democratic principles like press freedom, transparency, and open debate.

Among Free countries in Freedom House's Freedom in the World report, 19 percent (16 countries) have endured a reduction in their press freedom scores over the past five years. This is consistent with a key finding of Freedom in the World—that democracies in general are undergoing a decline in political rights and civil liberties. It has become painfully apparent that a free press can never be taken for granted, even when democratic rule has been in place for decades. Viktor Orbán's government in Hungary and Aleksandar Vučić's administration in Serbia have had great success in snuffing out critical journalism, blazing a trail for populist forces elsewhere. Both leaders have consolidated media ownership in the hands of their cronies,

## Key Findings

- Freedom of the media has been deteriorating around the world over the past decade.
- In some of the most influential democracies in the world, populist leaders have overseen concerted attempts to throttle the independence of the media sector.
- While the threats to global media freedom are real and concerning in their own right, their impact on the state of democracy is what makes them truly dangerous.
- Experience has shown, however, that press freedom can rebound from even lengthy stints of repression when given the opportunity. The basic desire for democratic liberties, including access to honest and fact-based journalism, can never be extinguished.



ensuring that the outlets with the widest reach support the government and smear its perceived opponents. In Hungary, where the process has advanced much further, nearly 80 percent of the media are owned by government allies. \*

Cultivation of progovernment media is spreading to neighboring states. The leader of the far-right Freedom Party of Austria, until recently part of that country's ruling coalition, was caught on video attempting to collude with Russians to purchase the largest national newspaper and infuse its coverage with partisan bias. Score declines linked to economic manipulation of media—including cases in which the government directs advertising to friendly outlets or encourages business allies to buy those that are critical—were more common across Europe over the past five years than in other parts of the world. Such tactics of influence and interference are a relatively recent phenomenon on the continent, which has generally displayed strong support for press freedom since the fall of the Berlin Wall 30 years ago.

Source: <https://freedomhouse.org/report/freedom-media/freedom-media-2019>

Freedom Forum is an independent, non-governmental and not-for-profit civil society organization working for the cause of social accountability, democracy and human rights focused on press freedom, freedom of expression and right to information in Nepal. Incepted in 2005, Freedom Forum has emerged as a prominent national organization in promoting access to information and freedom of expression through dialogue, research, training, public advocacy and campaign and programme implementation. Currently, the organization is working on the issues of public finance management, budget transparency, open data and aid governance, political and parliamentary accountability, freedom of expression online and open government partnership (OGP) based on its on-hand experience and learning.

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