



Vol 1/ Issue 9, September-October 2008

Zero Culture of Information

Every citizen is entitled to get information held by the public bodies. Are we all aware of this fact? Mostly, we do not get positive answer. Maybe the government is taking advantage of such unawareness and dillydallying in providing information as and when demanded. The government has paid little attention for the promotion of this right and ensured it only in the constitution without any specific laws to govern for a very long time. There have been no considerable practices on right to information even after the Right to Information (RTI) movement passed through one-and-a-half decades and was enforced 15 months ago with the adoption of RTI Act in 2007.

The National Information Commission (NIC) has been formed to facilitate information culture and practices but it has not been proactive to serve and justify its essence and importance and live up to the expectation of media and people. Its lackadaisical working style and inexplicit vision towards reinforcing the RTI practice raises various question on the effectiveness and efficiency of the NIC.

Article 27 of the Interim Constitution of Nepal, adopted by the House of Representatives in January 2007, guarantees the right to information as follows: "Every citizen shall have the right to demand or obtain information on any matters of his/her own or of public importance..." Have the government and other concerned public authorities internalized their role in connection with rendering information to public? Does it not the main responsibility of government and civil society to make effective the RTI Act in a bid to steer people's empowerment and promote good governance? Obviously, there is no room for satisfaction; however civil society organizations are stepping ahead with facilitating role to pace the RTI movement and practices to the new height.

▶ Freedom Forum in RTI Activism:

In this context, despite government's apathy, Freedom Forum took initiative in the RTI movement in Nepal whether that be in creating pressure for the enforcement of RTI Act, or in spreading public awareness or in rendering analysis and recommendations, or in bringing it

into practice and in promoting information culture. But the issue raised here now is the promotion of information culture with the illustration of some concrete cases on RTI.

Under the campaign of promoting information culture in Nepal, Freedom Forum facilitated process in registering application to seek information from the public bodies in consistent with RTI Act.

▶ Election Commission Incident:

In keeping with the essence of RTI Act, Taranath Dahal on behalf of Freedom Forum filed a writ application in the Supreme Court on January 11, 2008, demanding mandamus when the Election Commission denied furnishing the detail information about the amount and assistance provided by government and donor agencies to carry out the Constituent Assembly (CA) elections and copies of application from the political parties with signature of 10,000 voters needed for the registration of party not represented in the parliament. A single bench of

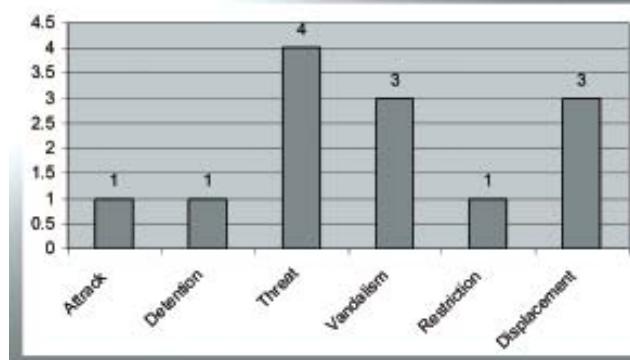
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Media Violation in Nepal during September-October 2008

Threat	4
Attack	1
Detention	1
Vandalism	3
Restriction	1
Displacement	3
Total	13





Message from the Chairperson

A seven-month has already passed since the holding of elections to Constituent Assembly (CA) yielded by the democratic government after successful 2006-April Uprising. It is very regretful that the CA election which was considered as an integral part of peace process has not yet started its works of drafting constitution nor does it seem susceptible towards the constitution building process in a bid to establish people's supremacy and rule. The Interim Constitution has set a clear provision of two-year time period for the drafting of constitution and there is 18 months to go to accomplish this strenuous job.

On the one hand, the contentious issue of peace process-the integration and rehabilitation of Army- is not likely to get settled easily which has unleashed the cloud of confusion. The cabinet formed a special committee to discuss the integration and rehabilitation of Maoist-indoctrinated PLA into the National Security bodies. The committee has not taken any momentum since it was alleged that the decision on composition of the committee was made without proper consultation. On the other, the 601-member jumbo and impractical Constituent Assembly (CA) has only limited itself in legislature business and differences regarding whip on constitutional issues remained a stumbling block to take up the process. There has been a rising doubt, despair and fear among people as to whether the constitution would be drafted or not. If this fundamental law of land was not framed on time, it would push the much-waited republic in limbo posing threat to democratic infrastructures.

The current political transition has immoderately weakened and ignored the essence of human rights/civil rights and rule of law. There have been no considerable efforts exerted towards engaging people in constitution drafting process. People are not being oriented and brought to discussion to steer this process ahead. The issues of state restructuring and delineating federal structures are as challenging and complicated as it has been thought. No discussions and dialogues have been held in this regard. As a civil society organization, Freedom Forum wishes that an environment would be made to expedite this process leading to the framing of constitution and is ready to assist to bring this national agenda to a logical conclusion.

The Forum has already taken up certain concrete efforts and activism as part of advocacy for the constitutional guarantee of fundamental rights such as freedom of expression and opinion, press freedom, right to information, state restructuring, federalism. We are also formulating various innovative programme for the mobilization of press and people to create a wave of dialogue, discussion and nationwide discourse on the above-mentioned issues. But, the CA itself should be proactive to make all these efforts materialized; the government and political parties should give premium to this historic responsibility. Such inactive role would not only move the country towards a hollow destination but also force towards anarchy and autocracy. Moreover, this situation may push the country into disintegration and crush her entire identity. In keeping with the possible dire consequences, we call on all in the national campaign of building constitution and urge political parties and government to go ahead to carry out this national responsibility going through the sensitivity of the hour.



Tara Nath Dahal
Chairperson

Chairperson in International RTI Convention

Chairperson of Freedom Forum and Citizens Campaign for Right to Information (CCRI), Taranath Dahal participated a two-day international convention on "Right to Information (RTI) and Ramification of Good Governance" organized to mark third anniversary of RTI enforcement in India.

Indian Prime Minister Dr. Manmohan Singh inaugurated the conference organized by National Information Commission (NIC) of India. The conference was held in Indian capital New Delhi on November 3-4.

The conference held thorough discussions over the issues such as right to information, individual privacy, right to information and poverty alleviation, right to information and transparent good governance, right to information and rural empowerment, right to information and media and civil society, among others. Likewise, the conference also reviewed right to information initiatives and situation in South Asia, according to Dahal.

Chairperson Dahal also shed light about the poor condition of information flow even following the 14 months of enforcement of RTI in Nepal and government's indifference towards it.

The Forum hoped that participation of its chairperson in such a distinguished conference from Nepal would help expedite ahead the RTI movement in Nepal.

Right to Know Day – Sept. 28

Freedom of Information Organizations from various countries around the globe meeting in Sofia, Bulgaria created a network of freedom of information advocates and agreed to collaborate in promotion of the individual right of access to information and open, transparent governance.

The group of Freedom of Information Advocates also proposed that 28 September be nominated as international "Right to Know Day" in order to symbolize the global movement for the promotion of the right to information. □



Maoist Cadres Assault Journalist in Dhankuta

Maoist youth-wing Young Communist League (YCL) once again assaulted a journalist. Siddharaj Rai, journalist and member of Press Chautari Nepal in Dhankuta on August 30, Saturday. The reason behind the incident was not known.

The victim journalist received injury in head and hand. A group of YCL activists attacked journalist Rai in downtown Dhankuta, in eastern Nepal.

□

Rising Threat to Women Journalists in Madhes

It is reported that scores of women media persons were compelled to quit their profession due to mounting threat from various armed Tarai outfits while collecting and disseminating news in the region.

Women journalists poured out pains and plights they came across in course of discharging own responsibility as a journalist.

Speaking at a workshop organized on October 21 by Federation of Nepali Journalists (FNJ), Office of the High Commissioner for Human Rights (OHCHR) and UNESCO at Lalgadh, Dhanusha, participants demanded that the government ensure security for journalists working in the region. Over a dozen armed outfits are active in the Tarai now.

Some 200 women journalists were working in Tarai during the Maoist insurgency. The number has declined to about 100 now. □

Restrictive Measures on FM Licensing

Ministry of Information and Communication has formed a task force headed by Dr Dinesh Kumar Sharma, Chairman of Nepal Telecommunication Authority to furnish recommendations on FM radio frequency distribution and procedural reforms to be taken into account in future.

It was also decided to restrict the operation of FM radios with capacity of over 500 MW, and to stop increasing capacity of FM until the Task force submitted report, the Ministry said.

The Ministry's move in this connection is quite objectionable as it restricts the access of those willing to run new FM radios, and promotes monopoly of a few people, who had already taken license for operation, in the name of regulating frequencies of free radios.

Freedom Forum asks the government to bring out clear and concrete policy to monitor the frequencies in the way that would not restrict the license for FM. The Forum also urges the Task force to submit the report at the earliest so that granting FM license would not be halted for a long time. □

Three Journalists Displaced from their Workplace

Three journalists in south-east Nepal have been displaced from their workplace, due to continued threats and lack of any assurances on their professional safety. Milan K. Raut, editor, and two other journalists, namely Dipendra Timsina and Mohan Bhattarai, of the Anmolmani Weekly in Pathari, Morang, have been displaced to district headquarters Biratnagar since 7th September, citing threat to their professional safety.

On August 23, all these journalists were assaulted by a group of individuals led by chairman of a local Annapurna School management committee, over a news item published in the weekly sometime back. It is learnt that the scribes decided to leave their workplace because the perpetrators who assaulted them on August 23 have not been punished, and that they gave threats to them in various ways even in the subsequent days. □

Government Appointing Secretary in NIC Raises Independence Question

The Nepal government's act of appointing Secretary in the National Information Commission (NIC) on October 25, Saturday has raised the question of independence of NIC. The NIC could not work independently and efficiently when the government appointed its employee. It will be mere interference on the part of the government.

Freedom Forum has firm conviction that the NIC should recruit human recourse on its own capacity which could only promote its fair image and independence. The government has recently appointed Ganesh Raj Joshi as the Acting Secretary of the NIC. □

Journalist Jailed

Former Vice-chairperson of Federation of Nepali Journalists (FNJ), Arghakhanchi chapter, Prem Gaire, was arrested by police and put under detention for allegedly involved in the murder of a cadre of Maoist-aligned YCL in Nuwakot VDC of Arghakhanchi district before the Constituent Assembly (CA) elections.

Gaire, who is also District Committee Member of CPN-UML, Arghakhanchi, absconded after YCL charged him of involving in the murder of their cadre, Rajendra Banjade.

The Maoist cadre was killed in a scuffle between cadres of UML and Maoist at a school of Hatiyabazaar in the VDC on February 23, 2007.

In response to the murder case filed by YCL against Gaire in district court, Arghakhanchi, the judge of the court issued order to detain and process necessary actions against him.

□

THT Journo Threatened

Commander of Janatantrik Tarai Mukti Morcha-Jwaka Singh (JTMM-J) Sikandar threatened Kapilvastu correspondent of The Himalayan Times (THT), Krishna Prasad Dhakal with life on October 12, Saturday.

Sikandar threatened him in connection with the publication of news regarding the donation drive of Tarai-based armed outfits including the JTMM-J, Dhakal said. Sikandar threatened Dhakal over the phone on Saturday evening and Sunday morning. □

Ex-premier for Press Freedom

Former Prime Minister Girija Prasad Koirala publicly reiterated his pledge to democracy, human rights, freedom of press and individual liberty at a time when the ruling party CPN (Maoist) has been giving confusing remarks over the political system in the recent days.

Ex-premier Koirala made this statement in his brief interaction with the media at a tea reception hosted by the Nepali Congress (NC) at its party office at Sanepa, Lalitpur on October 14. It is noteworthy to mention here that top-brass leaders of CPN (Maoist) in the recent days advocated for the establishment of People's Republic based on communist model, which is obsolete and has no room for freedom, democracy and liberty.

Freedom Forum lauds the Koirala's remarks in favour of press freedom and urges the ruling Maoist to mend their outlook to these issues. □

Journalist Threatened of Life

Transport entrepreneurs manhandled journalist Yubaraj Gautam to injury in Pashupatinagar of Ilam on October 18, taking up the issue of news coverage.

Transport entrepreneur Yam Shrestha thrashed journalist Gautam at around 4 PM afternoon following the latter published news on bus-fare charged to passengers ignoring the standards set by the joint meeting of transport entrepreneur, administration and student organization. Journalist Gautam sustained injuries in his body.

The news was published in *Sandakpur*, a daily newspaper from Ilam district. The transport entrepreneurs also threatened Gautam of taking his life if he reached Fikkal. □

FNJ Criticizes Government

President of Federation of Nepali Journalists (FNJ), Dharmendra Jha on October 25, Saturday accused the government of using media persons as messengers while inviting the underground Tarai outfits for talks.

"The government is using journalists as messengers by calling them liaison source", Jha said in an interaction at Nepalgunj.

The government had used local journalists to deliver invitation letter to underground group for dialogue in Saptari, Siraha and Mahottari districts.

The cabinet meeting decided to provide Rs. 50, 000 each to those who mediates for holding dialogue with underground Tarai outfits.

□

Memo to Prime Minister

Federation of Nepali Journalists (FNJ), Kanchanpur Chapter submitted a memorandum to Prime Minister Pushpa Kamal Dahal 'Prachanda' on October 17, demanding the search of whereabouts of Kanchanpur-based journalist Prakash Thakuri, who has been allegedly disappeared by CPN-Maoist one-an-half year ago.

The memorandum also demanded strong actions against the perpetrators of the incident, stating that YCL had hands behind the abduction of journalist Thakuri.

The Maoist should also investigate into the incident, stated the memorandum, demanding with the Nepal government to provide with necessary compensation to journalist Thakuri's family. □

Madhes Problem and The Media

Following the April 2006 people's movement and its subsequent success, there were high expectations in Nepal. The nation went euphoric when this collective effort of the people made the Monarchy climb down. But more than the humbling of the King, the very thought of the Maoists giving up arms, and the expectations for lasting peace in Nepal brought the biggest cheers. There were hopes all over Nepal that once the Maoist give up arms, the conflict will come to an automatic end and every one, irrespective of their caste, region, race, and community would be able to contribute in the nation building process. But unfortunately, this did not happen. Certain marginalized groups, like the Madhesis felt that holding the Constituent Assembly election alone is still not going to solve their problems. As a result, the Madhesis movement started in January 2007. At present, there are two kind of Madhesi agitation taking place. One: the peaceful movement, and the other so called armed struggle.

For the benefit of participants from outside Nepal, I may mention that Madhes (also known as Terai) constitute a region which is on the Southern side of Nepal, bordering India. The Madhesi society indeed is a very complex group of people to understand. For years together, they have been suppressed and subjugated. They suffer from an identity crisis where until recently; they don't know where they actually belong. This situation in Madhes was not the creation of the collective Pahadi community as wrongly perceived by many. It was a situation created by successive rulers of Nepal, who always doubted the loyalties of these people for the simple reason that they live close to the Indian border and speak the same language that people of neighboring Indian states speak. Even the Nepali media did not understand the problems of the Madhesi people correctly.

No doubt the Nepali media played a vital role in ending the autocratic rule of Monarchy so also in bringing the Maoists on the tract of peace process. The Nepali media also contributed immensely towards educating the people on the importance achieving democratic goals. But the media failed to produce the desired result when it comes to realistically projecting the issues confronting the Madhesis. Even those working in Terai could not understand the problems from a proper perspective. On the other hand, the people had lots of expectation from the media, and when nothing actually happened, they feel let down and frustrated. Therefore, there were many instances of direct attacks on media personnel, media houses and media organizations and the tendency is continuing even today. This is not a healthy development, which needs to be understood mutually by the people and the media.

In the present situation in Terai, there are various challenges confronting the media personnel. The armed group wants that the media is dictated to suit their conditions, while some anti social elements and fundamentalists do not want the media to function smoothly. On the other hand, the state is not bale to ensure the safety and security of media personnel. In the midst of all these unfriendly atmosphere, the media can still function as an effective institution of nation building provided it is able to demonstrate through its functioning that independent and free media is in the interest of all. This can be achieved by correctly understanding issues, and approaching them without sense of bias, partiality, and within democratic norms.

In a fragile transition period like what we are seeing now in Nepal, it is not possible for the state establishments to see everything correctly, including the plights and difficulties of marginalized communities. As responsible institution, the media must therefore play the all important role of pointing out the shortcomings of the state so that the nation at large benefits from it. Its watchful eyes must not be squint when the need arises to point out issues that are inter-community in nature. The media also must play the role of initiating inter-community dialogue keeping in mind the need to respect the identity of every community. It must function as a cementing agent particularly in pluralistic society like Nepal. It is not always necessary that the state pay heeded to everything that the media raises, but it is necessary that the state is continuously reminded of what needs to be done.

Presently, Nepali society has shown signs of dividing itself along communal lines. And the media faces a daunting challenge of bringing the Nepali Society together. For this the big media houses must adopt more inclusive policies in their selecting their personnel. They must also ensure that their staffs are instructed to understand the socio-cultural importance of people they work with. I want to conclude by saying that as media persons, we are neither Paharis nor Madhesis, but professionals functioning within a frame work of democratic norms. It is only when we compromise on professionalism and function as members of a particular community, leaving our professional behind, that fingers are pointed at us. Similarly, no state machinery can effectively provide security to media persons at any given point of time. Strict adherence to code of conducts, people sensitive approach, and respect for social values are our automatic security.



By: Chandrakishore

Successful Completion of Project

"Strengthening Media through Legal Support" implemented by Freedom Forum with the financial assistance of DANIDA/HUGOU has been successfully completed on October 15, 2008. The project aimed to provide legal support to the media to provide legal support to the media and media professionals, to strengthen the process of media laws and policy reform and to build- up capacity of Nepali journalists.

During the project period, Freedom Forum succeeded to document 45 cases related to media right violations out of which 34 were filed in different judicial bodies. Likewise, Freedom Forum influenced and gave direct intervention to government-formed task forces and draft committees on RTI Bill, Working Journalist Act, High Level Media Commission among others through lobbying. Under this objective, various inputs and recommendations were rendered to various draft committees and task forces.

Under the capacity building component, Freedom Forum provided 5-day law-beat training to 93 mid-career journalists in five development regions. Similarly, altogether 25 journalists out of them were provided with fellowship so as to help enhance their career in Journalism.

In the similar vein, Freedom Forum brought seven books and four journals containing the issues related to media laws, policy, court-reporting, defamation, right to information and freedom of press and of expression.

Correspondent Oli Threatened by Police Inspector

Deepak Oli, correspondent for Gorkhapatra in Bajhang, a far-western district was threatened with life by Police Inspector of District Police Office, Bajhang Ashok Singh on September 8 over the news report on latter's irregularities

Oli is also the chairperson of Press Chautari, Bajhang chapter. Issuing a press release on Wednesday, Press Chautari Nepal deplored the threat issued to journalist Oli by Police Inspector. □

Newspaper Office, Vehicle Vandalized

An armed group claiming themselves to be the members of night restaurant association vandalized the office of Metro Post Daily and Democracy Weekly Newspapers published from the capital on September 18, Thursday. The group also attacked and injured Editor Ramhari Silwal and Computer Operator Laxman Chitrakar.

The cadres of Madhesi Janaadhikar Forum (MJF) vandalized a vehicle of Kantipur publication in Marchaiya road section of Siraha district on September 11 while it was carrying newspapers from Bharatpur to the eastern region.

The vehicle was en route to the region to distribute copies of The Kathmandu Post and Kantipur in Saptari, Siraha and Udayapur districts. The group also smashed the window of the vehicle. □

Press Freedom Grand Jury Reactivated

Press Freedom Grand Jury (PFGJ), independent body comprising media professionals, legal practitioners and human rights defenders, has been recently reshuffled with a view to reinforcing advocacy for the legal rights of journalists. Chairperson of Freedom Forum Taranath Dahal has been appointed as the Coordinator while other members in the reshuffled committee are Chairperson of Nepal Press Institute Gokul Pokharel, Chairperson of Federation of Nepali Journalists (FNJ) Dharmendra Jha, Chairperson of INSEC Subodhraj Pyakurel, Chairperson of Sancharika Samuha Babita Basnet, Advocates Dr. Shanker Kumar Shrestha, Dr. Bhimarjun Acharya and Sher Bahadur KC.

Likewise, other members of the committee include senior journalists Shyam Shrestha and Dhrubahari Adhikari, ARTICLE 19 Nepal Representative, General Secretary of IHRICON Bishnu Sharma Gyawali. Similarly, journalist Pradip Ghimire and advocate Rishee Ram Ghimire are the member secretary and joint member secretary of the new committee.

The new committee of PFGJ will look after the 13 litigation cases related to the right of journalists. Freedom Forum handed over these cases to PFGJ after the completion of "Strengthening Media through Legal Support" implemented with the assistance of DANIDA/HUGOU. PFGJ was established in Nepal in 2001 on the initiative of various media organizations. □

Forum Treasurer Sharma to Monitor Bangladesh Elections

Treasurer of Freedom Forum **Bishnu Sharma Gayawali** has gained an opportunity to observe the national elections in Bangladesh to be held on coming December 18. Sharma is leaving for Bangladesh capital Dhaka on November 20 for a month as a long-term observer of Asia Network for Free Elections (ANFREL) on behalf of Freedom Forum. Freedom Forum is one of the leading organizations of National Election Monitoring Alliance (NEMA). It was established before the constituent assembly elections in Nepal.

Zero Culture of Information...

Justice of Supreme Court (SC), Damodar Sharma, issued show cause order in the name of EC to furnish reply to the SC within 15 days. Advocates Shambhu Thapa, Sher Bahadur KC, Bhimarjun Acharya, Tikaram Bhattarai among others pleaded on behalf of Freedom Forum. But the EC did not furnish complete information in this regard.

Dang and Surkhet Incidents:

In the similar vein, advocates duo, Rishee Ram Ghimire and Krishna Pokharel on behalf of the Forum filed an application in the Office of Prime Minister and Council of Ministers on September 5, 2008 demanding the accredited copy of the report of the commission formed to probe the killing of CPN-UML candidate from Surkhet district, constituency-1, Rihsi Prasad Sharma be public. The government formed the probe commission on the premiership of Judge of Surkhet District Court, Purswottam Parajuli to investigate into the incident that took place on the run up to CA elections.

In line with the RTI ACT-2008, Clause 2(e), advocate duo Ghimire and Pokharel on behalf of Freedom Forum filed an application in the Office of Prime Minister and Council of Ministers in the same day demanding a copy of the report of probe commission formed to

investigate the killings of seven Nepali people in Dang district, Lamahi in course of election campaigning on April 10-the CA election day. The probe commission headed by Judge of Appellate Court, Rajbiraj, Govinda Kumar Shrestha submitted the report to the then Prime Minister on August 6. But both the reports have not yet been made public. It shows the clear mindsets of the government.

Information Demanded on NIC and Commissioners:

Keeping in mind that the impartiality, neutrality and judicial conscience of National Information Commission should regularly be scrutinized as it is the public body having open access to all information and records of the State, Freedom Forum has registered an application demanding official information about the Commission and its office-bearers as per the Right to Information (RTI) Act-2008.

It is the genuine public concern since the Commission is the authorized body to promote and enforce Right to Information (RTI) and to dispense justice when public concern information are not provided on demand. Likewise, it is assumed that office-bearers of the Commission should not live up to active professional and political life even after the completion of their term.

But, it came to the public about the involvement and affiliation of Chief Commissioner and Commissioners in various other sectors that raised numerous queries on the image, judiciary responsibility and neutrality of the Commission. In this connection, the Forum realized that it was the responsibility of the organization to advocate constantly on RTI issue to show right path to the Commission and Commissioners.

In this course, Freedom Forum requested the Commission in writing to provide information on the following issues concerning office-bearers within 15 days.

- *Details of property owned by Chief Commissioner and Commissioners.*
- *Designation and responsibility taken up in any organizations they are affiliated to.*
- *Affiliation and responsibility shouldered up in any media.*

- *Position if s/he is affiliated to any political parties and their organizations and associations.*
- *Monthly remuneration they entitle to get from the Commission.*
- *Other income sources.*

Likewise, advocate Krishna Pokharel, on behalf of Freedom Forum, registered appeal in the NIC on October 24, Friday when the public body did not furnish official information about Chief Commissioner and Commissioners as demanded.

The appeal was made when the NIC hesitated to provide information in the medium and form as demanded by the plaintiff. It is concluded that the NIC breached the procedures and essence of the RTI by not responding the application and appeal. However, the Forum is hopeful that NIC would not remain obstinate to furnish the information as demanded since it has historic responsibility to propel information culture in Nepal.

Facilitation on Applications for Information:

Freedom Forum facilitated Gyanendra Raj Aran in the process of registering application in the defense Ministry, seeking official copy and digital copy of details of the killings of Nepali Army (NA) personnel during the Maoist insurgency. Information seeker Aran registered application in Magh 10, 2064 BS. Biswomitra Khanal, stringer for Nepal Television, also took facilitating assistance from the Forum while demanding information about the decision the NTV management took regarding his remuneration as a journalist. Khanal registered application in Asoj 23, 2064 BS.

Besides its active role up to the race of RTI Act enforcement and promoting information culture, the Forum in collaboration with Federation of Nepali Journalists (FNJ) and ARTICLE 19 reviewed RTI Act and furnished various comments and recommendation to the government to make it more practical and relevant on par with international standard and practices. □

Heartfelt Condolence

Freedom Forum has been stunned and grieved on the untimely demise of our Jhapa-based representative **Yuba Raj Ghimire**, 35 at around 10 PM on October 12. Ghimire died in a road accident along the East-West highway when his motorbike was collided a bus coming from the opposite direction. The late Ghimire was also the Jhapa district correspondent of *Deshantar Weekly*.

The entire Nepali journalism sector has faced an irreparable loss from his death. He is survived by a wife and a son. Freedom Forum wishes for the eternal peace of departed soul and expresses condolence to the bereaved family in this grief-stricken moment.

Russia: Access to Information Faces Contradictions

St. Petersburg, Russian Federation, October 31, 2008 - The leading access-to-information organization in Russia has published a detailed legal and sociological analysis of the state of access in the Russian Federation, identifying contradictions between the Constitutional right in Article 29 (for every person to "seek, get, transfer, produce and disseminate information by any legal means") and the actual legal norms and official practices, according to English-language summaries and web links published by www.freedominfo.org.

Among other recommendations, the new study argues for the passage of access laws at the federal and regional levels to fulfill the Constitutional mandates, changes in the existing law on state secrets, and a shift in bureaucratic (as well as citizen) attitudes towards seekers of information from that of "supplicants" to that of "customers."

Founded in 2004 by lawyer Ivan Pavlov in St. Petersburg, the Institute for Freedom of Information Development (www.svobodainfo.org) has achieved major improvements in government agency websites as well as litigation success in opening certain information monopolies. The Institute's goals center on "Investigating, identifying and solving problems of access to socially significant information," with a particular focus on electronic media as a powerful instrument in achieving transparency and access to government information.

freedominfo.org is a one-stop portal that describes best practices, consolidates lessons learned, explains campaign strategies and tactics, and links the efforts of freedom of information advocates around the world. It contains crucial information on freedom of information laws and how they were drafted and implemented, including how various provisions have worked in practice. □

The Uruguay Government ministers sign bill to decriminalize various elements that limit freedom of expression

(AMARC/IFEX) - On 29 September 2008, during a meeting of the Council of Ministers, President Tabaré Vázquez and all his ministers signed a bill that will modify Law 16099, known as the Press Law, and articles 138, 173 and 336 of the Criminal Code in order to eliminate the crimes of "insult"

and "defamation" in cases of public interest and the crime of "insulting national symbols", among others. As the basis for the bill, the government used documents developed by a commission that included civil society groups and government personnel. According to the government, "the objective of the bill is to adapt a norm that

Freedom Forum Welcomes RTI Ordinance in Bangladesh

Freedom Forum welcomes the promulgation of Right to Information (RTI) Ordinance in Bangladesh on October 28, 2008. It is the laudable achievement gained in the RTI movement of Bangladesh. With this, Bangladesh has become third country after India and Nepal in South Asia and 76th country to enact RTI in the world. We congratulate civil society leaders and RTI activists in Bangladesh.

will regulate the work and responsibilities of the press, taking into account standards established by international human rights law."

The bill still contemplates the crime of insult, which is currently covered by article 173 of the Criminal Code, when it comes to "real offences" against officials or "open disobedience with respect to an official's mandate", but it clarifies that the expression of differences of opinion with authorities cannot be considered a crime.

Changes to the Press Law include the elimination of the crimes of "defamation" and "insult" when the situation involves information of public interest or concerns public officials or individuals who have voluntarily placed themselves in a position to be exposed to questioning on issues that are of interest to the public. However, the bill maintains penalties in cases of "real malice" or where information about the private lives of these individuals is published without justification.

In cases where there is a conflict between freedom of expression and other fundamental rights, the bill calls for judges to consult the rulings and doctrine laid out by the Inter-American Court of Human Rights. □

SOURCE: The World Association of Community Radio Broadcasters, (AMARC)

Published by:

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