

Free Expression

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A NEWSLETTER OF FREEDOM FORUM

Citizens deserve to know

International Right to Know Day

Freedom Forum (FF) has continued its endeavor for the cause of good governance by making public agencies transparent and accountable and sensitizing citizens from across the country on importance of information with the use of Right to Information (RTI) applications. In this connection, FF conducted a weeklong citizen's campaign for right to information to mark the International Right to Know Day. The campaign began on September 22 concluded on 28 in collaboration and initiation of various CSOs including FF.

Throughout the week, FF sought information of public importance from the public agencies of all seven provinces with RTI applications. The RTI campaigners and activists at local levels also sought the information at tens of dozens of offices. The information was requested in line with Article 27 of the Nepal's Constitution 2015, and Section 3 and Section 7 (1) of Right to Information Act, 2007.

As part of the celebration, an 11-point memorandum was also submitted to Prime Minister KP Sharma Oli via Chief Secretary of the government, drawing his attention for the better implementation of constitutionally and legally guaranteed RTI laws. Reminding the Head of the Government that RTI is the oxygen to democratic system, the CSOs urged the government to make the public agencies, which produce, collect and supply information, accountable, transparent and proactive for the disclosure of information.

Similarly, a rally along with mobile RTI clinic was organized in the capital city on September 28. More than 100 organizations, including FF, GoGo Foundation, NGO Federation Nepal, Federation of Nepali Journalists, INSEC, SOCH Nepal, IHRICON, Media Advocacy Group, Samjhauta Nepal and Sharada Foun-



International Right to Know Day rally in Federal Capital Kathmandu.

dation from across the country took part in the celebration of the day as the partners of the citizen's campaign for RTI.

After completion of the rally, Mobile RTI clinic was taken from Bhrikutimandap to New Baneshwor near the Federal Parliament Building, which later was taken back to Ratnapark, Bhotahiti and then to Patan Durbar Square, Pulchowk and finally at Tripureshwor. In the RTI clinic/booth, two-way information on RTI was shared among 300 people. The pamphlets, comprising RTI day initiation, objectives of RTI law, proper implementation measures and others were distributed to more than 7,000 people. The pamphlets were distributed from the beginning of the rally to the end of RTI booth closure.

The campaign called for the government to make the existing RTI central coordination unit and central monitoring committee

established at Prime Minister's Office and Ministry of Communications and Information Technology functional, regularize disclosure of various 20 types of information by public agencies through website and other means, appoint public information officers in all federal, provincial and local governments and public agencies for effective information management, and to ensure security of RTI practitioners, among others.

The CSOs also urged the government to end impunity relating to the violation of RTI laws by chiefs and information officer at public agency, set explicit indicators and standards as part of the national strategy and action plan of SDG to implement RTI in its target 16.10 and set up national mechanism to periodically review the status of access to information and take initiative to join the global initiative of Open Government Partnership and endorse its global declaration.

Message from Executive Chief

Information for Transformation

Citizens' voice bears meaning when they are aware of their rights. Informed citizenry is a strong base for effective governance. Information is a key to ensure robust stakeholder role of citizen on governance. Right to Information (RTI), which is a fundamental right, is not only for empowerment of citizens but also for strengthening of the pillars of good governance as transparency, accountability, rule of law and public participation in public space.



While talking about RTI, it is relevant to mention its brief history. Although the constitution of the Kingdom of Nepal 1991 had first incorporated the provision of RTI as the fundamental rights, but there were no Acts nor readiness in the governance stakeholders including bureaucracy and political leaderships to facilitate its smooth implementation. The interim constitution 2006, promulgated on the base of the second people's movement and the changed political context mentioned the RTI under the fundamental rights. It created base for bringing the RTI Act, to which Freedom Forum played a vital role on nationwide campaigning and preparation of the draft bill of RTI. The RTI Act 2007 and subsequent formation of the National Information Commission are historic achievements in terms of building good governance and uphold democratic system. Since the inception of the RTI Act to its implementation till date, FF has untiringly advocated for transparency and accountability of public agencies with the use of RTI. FF trained thousands of youths and government staffs on RTI, so that both the demand and supply sides of information could be improved. The information seeking launched by FF at public offices with the use of RTI set a historic record in the country by exposing huge financial irregularities, corruption and VAT scam. The vibrant youths are voluntarily working for the cause of ensuring citizen's right to information, while some have been engaged on transparency campaigning in an institutional manner. Even an RTI Nepal App produced by FF is popular for two years in Nepal.

At a time when Nepal has adopted new system- from unitary to federal, there is huge opportunity for the people at provincial and local levels. Huge chunk of budget along with authority has been devolved to the local and provincial levels, where citizens can influence the related public agencies for broader welfare of the public. In addition to the participation in the policy and decision making process, the citizens can use RTI to remain informed of the ongoing activities. Citizens can monitor proper use of resources, for which, RTI is an effective tool. As per the RTI Act, public agencies must provide information to the citizens in a convenient manner. Similarly, periodic proactive disclosure of information is equally imperative to ensure accountability. Once the citizens are informed, then they can play cooperative role for building good governance together with the exposure of irregularities and corrupt practices.

RTI is not only for openness but also for the empowerment of the citizens. Empowered citizens can play better role to protect and promote democratic values. Globally, RTI has been an unavoidable standard to check democratic culture. As an anti-corruption instrument, global campaign and celebration of RTI are continuous. Although various organizations were united to amplify RTI values for long, UNESCO declared in 2015 that September 28 be marked as the International Right to Information Day. Since then, the CSOs across the globe are marking the Day attaching special importance. However, since 2006, FF has been marking the Right to Know Day at citizens' level. In Nepal as well, dozens of CSOs including FF observed the Day with fanfare this September 28. The Day prods the public agencies and administrations to acknowledge the role of RTI and implement it accordingly. Also in view of the SDG 16.10, the effective implementation of RTI is sought in Nepal.

However, some news come from different parts of the country are still worrying in Nepal- several provisions in RTI Act are not implemented by public offices as practice of proactive disclosure; information seeking process is full of hassles. Effective role of National Information Commission is sought to end impunity relating to information seeking and public transparency. The information seekers are harassed and attacked at the public office. When a citizen is attacked mercilessly for seeking information of his/her or of public concern, what's the system we advocate for? The threat to RTI campaigners, journalists and whistleblowers must be addressed with proper security and morale boost. Despite being lauded as the system that empowers people from very grassroots, the federalism must not discourage questions. Silencing information seekers is fuelling darkness which ultimately brews corruption and irregularities. Culture of openness and accountability in the system creates environment for change where broader interests are served and development accelerated. It is the need of Nepal at present. So, information is for transformation, where voices of unheard are heard; those left behind are brought on board and justice ensured.

- Tara Nath Dahal

On Nepal IGF

Nepal Internet Governance Forum-2019 was held in the capital city, Kathmandu, on September 27 and 28 in a bid to amplify the debate and discussion on numerous issues relating to the internet. The annual event was hosted by the Internet Society Nepal Chapter with the support of dozens of non-government and government institutions.

At the event attended by the people working in the policy, research, rights advocacy, cyber security, digital economy, e-governance, data protection, media and regulation, ICT and freedom of expression, among others, the two-day program exchanged knowledge and new development on internet and IT related environment in the country and abroad.

In the inaugural, Secretary at the Ministry of Communications and Information Technology, Mahendra Man Gurung, viewed, "The digital Nepal framework would prepare a base for holistic development of the country. However, only government efforts are not enough to realize its benefit." Similarly, Chairman of Nepal Telecommunications Authority, Purushottam Khanal, shared the information that 18 broadband projects were underway to connect community schools and hospitals across the country.

Former Minister and Nepal Academy of Science and Technology (NAST) Goodwill Ambassador, Ganesh Shah, urged the government to ensure availability, accessibility and affordability of internet to citizens. "At a time when the world is undergoing the fourth industrial revolution, Nepal too needs to engage in ICT sector. If anyone is left out from the race to the industrial revolution, it would be difficult to take him/her back together," he underscored.

However, Vice-Chairperson of CAN Federation, Sunaina Ghimire Pandey, expressed concern over rising tax on internet, arguing it would hinder the affordability of internet to citizen. On the occasion, ICT expert Manohar Bhattarai suggested the government and other stakeholders to produce skilled human resources to go for 5G and artificial intelligence.

As a keen observer of the internet related development focusing freedom of expression and access to information, FF enthusiastically participated in the event. Even a session on "Perspectives of Youth on IT Bill 2075 of Nepal" was coordinated during the two-day event.

The session organized on the 28 September was moderated by Ms. Dikchy Raut. An hour long open forum brought together 35 youths passionate to deliver their inputs on the IT Bill 2075. The participants from the technical background showed a worrying concern as they think the limitations will raise unnecessary legal hurdles to the start ups not only from Nepal but also to foreign Social Networking companies running in Nepal. Other recommendations were raised to either eliminate or replace the vague terminologies used such as "morality", "vulgarism", "discouragement" which is used to define and categorize misuse of the internet/technology.

Misuse of Law to Harass Journalist

Hamal arrested on false accusation acquitted

Similarly, in another case on August 23, journalist and anti-corruption activist Om Hamal from Sisuwa of Kaski district was arrested while he was on his way to take an interview of a party leader. Journalist Hamal is the editor of janasanchar.com, an online news portal, operated from Pokhara city which lies in Gandaki Province.

Om Hamal is a recognized journalist working in the area of anti-corruption and investigative journalism in Kaski district. He was arrested by the security officials for his alleged association with Biplab-led Maoist group and later a case of state offense was filed against him. He was later brought to Kathmandu and kept at Metropolitan Police Range Teku for further investigation.

While going through the online news portal operated by Hamal, FF found that the news covered in the website are related to the corruption, investigative stories at local level in Pokhara.

FF in its press release published on the same date had condemned the arrest of the journalist

saying he was held merely for his political faith. In the journey to release the journalists from the illegal detention, FF provided legal support to his spouse, who had come to Kathmandu to fight against the stressful situation.

Journalist's wife Monika Gurung filed a writ of habeas corpus at Supreme Court on September 3 and the court ordered to release him from the detention. However, the same day, Hamal was rearrested from the Supreme Court premises, where it became clear that the security officials and the State was misusing their power and inflicting violation on its citizen.

Again, on September 5, his wife filed another writ petition of habeas corpus at SC, demanding the immediate release of her husband. The National Human Rights Commission was also written a letter about such harshness and demanding security for her husband after the court's hearing. On September 10, SC once again ordered to release journalist Hamal ensuring justice to him and his profession.

FF believes that no citizens should be arrested for his/ her political faith and troubled under this reason. One after another, such arrest of journalists has not only endangered FoE but also terrorized the journalists. The case of journalist Hamal can be exemplary for other



journalists fighting the battle against the system which is intolerant to journalists and their views in Nepal.

It is also the example that journalists in Nepal are panicked on various pretexts by the State to silence them and shrink the FoE atmosphere to low. Arresting and torturing journalists with false accusation is gross violation of journalists' rights to work in a free atmosphere. Suppression of citizen's voice does not suit democracy. Journalists must be ensured safety and their rights protected for democratic values, FF underscores.

Khanal acquitted of cyber crime charge

Freedom Forum (FF) is happy to share that Kathmandu District Court gave its decision in favor of journalist Gaurav Khanal, sub-editor of onlineaawaj.com on September 24. Journalist Khanal, who was accused of cyber crime, was acquitted in the case. FF had provided him legal support.

A case was filed wrongly against Khanal under the Electronic Transaction Act (ETA) 2006, accusing him of 'publishing fake news' on March 29, 2019. The fake news was 'the death of 33 people on a bomb explosion in Kathmandu'. He was alleged to have conducted the act in association with onlineaawaj.net, which, actually had no link at all with his media- onlineaawaj.com. He is only the operator and

sub-editor of his own online newspaper- onlineaawaj.com. The media that Khanal is involved had neither written nor shared any misleading news as claimed by the plaintiff.

The aforementioned online media namely, onlineaawaj.net and onlineaawaj.com -are operated as different media. Similarly, the contact persons mentioned in their websites and Facebook pages are different from Khanal as well. With sheer misuse of ETA by the authority, Khanal was falsely charged for publishing fake news which is to instigate fear among the general public. He was charged under Section 47(1) of the ETA. It is worth noting that there is only one court to look after the cybercrime cases- Kathmandu District Court. Khanal, who is from Butwal, a city outside the federal capital, had to undergo severe harassment in course of the investigation.

Freedom Forum strongly believes that it is imperative for the plaintiff to be mindful to use the



law in a proper way. The verdict come in favour of Khanal proves that the ETA is time and again used to harass and torture innocent people. It has the negative implication that journalists would not dare to operate online media and suffer self censorship. Implicating journalists with false charge further downs their morale and ruin media professionalism. The role of free media must be recognized by the State authorities and stop harassing journalists.

Press Freedom Violations

PROVINCE 1

MISBEHAVIOR

A. Lavadev Dhungana, a correspondent with the Kathmandu Post daily was misbehaved and threatened by the leaders and protestors belonging to the sister wing of the ruling party at Itahari city of Sunsari on July 26. District Chairman Dinesh Shrestha, Secretary Anita Rai and Joint-Secretary Sarita Lawati were allegedly involved in harassing the journalist for writing news about them. The protestors also obstructed the regular movement of the vehicle belonging to the Kantipur daily.



PROVINCE 2

VANDALISM

A group on demonstration vandalized a vehicle belonging to the Kantipur Publications on July 25. The incident took place at Karmaiya of Sarlahi in Province 2.

According to the information received by Freedom Forum, the protestors pelted stones at the vehicle (Ba. 3 Cha. 7837) en route to Chandranigahapur from Biratnagar to distribute the Sunday edition of the Kathmandu Post and Kantipur.

MISBEHAVIOR

A reporter associated with a news portal www.lokaanttar.com and Radio Janakpur 97.0 MHZ, Ajay Anuragi, was misbehaved by son of a political leader while reporting in Dhanusha on July 13. Dhanusha lies in Province 2.

According to the information provided by FF's representative for Province 2, Rajan Singh, Chandra Prakash Yadav, son of ruling Communist Party of Nepal Dhanusha's Chairperson, Raj Kishor Yadav, misbehaved with the reporter Anuragi while taking pictures of water-logged food stuffs in the house of CPN's Youth Association Central member Biswanath Yadav.



Singh also quoted reporter Anuragi that Chandra Prakash Yadav lashed out on him implying that he should not have taken pictures.

THREAT

A. Journalist Sailendra Jha associated with the Pratik daily was threatened by Provincial Committee member of ruling Nepal Communist Party, Ashok Jayaswal, relating to the news in Birgunj on August 28. Birgunj lies in Province 2.

Freedom Forum representative for Province 2, Rajan Singh, reported that Province committee member, Jayaswal threatened journalist for publishing news on the press release issued by another Committee member Upendra Shah on August 22.

Press Release was about the demand of action against Jayaswal for his activities against party

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

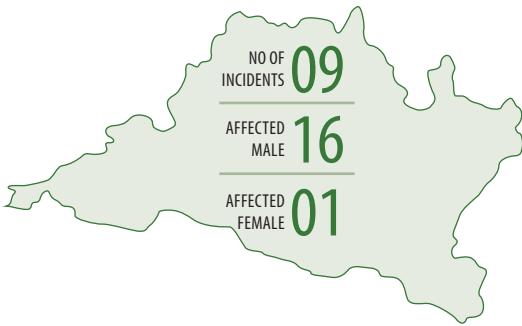


policies. For reporting it, the journalist Jha was threatened by Jayaswal.

A. Journalist Deepak Karn associated with Prime Times Television was threatened by a secretary of local representative on July 1 in Ramgopalpur. Ramgopalpur lies in Mahottari district which is located in Province 2. Journalist Karn was threatened for writing news.

Freedom Forum's representative for Province 2, Rajan Singh, reported that journalist Karn was threatened by Ramgopalpur Municipality Deputy Mayor Sita Devi Shah's personal secretary Raju Shah.

Earlier, journalist Karna had published news about the provision which restricts Deputy Mayor to recruit personnel secretary. The federal government had circulated a letter last year mentioning not to appoint a personal secretary to local representatives.



PROVINCE 3

Brief Control

Machhe Narayan Shrestha, a photojournalist at www.pnpkhabar.com- a news portal- was briefly detained for reporting a protest in Chitwan on August 20. Chitwan lies in Province 3 of Nepal.

As per the information received by Freedom Forum, journalist Shrestha was reporting the

public protest on the premises of the Narayani Community Hospital. Some police officers approached him and took him under control. He sported his identity card and Press Pass but the police did not listen to him. Police officers took him to the station and kept for two hours with interrogation. They released him only after deleting all the photos and video footage in his camera.

Journalist Shrestha received threat of arrest if he continued reporting in the place.

ATTACK

a. Journalist Prakash Chandra Dahal, an editor of the online portal: www.sancharkhabar.com was attacked by an unknown group in Bagbazar, Kathmandu, on August 2. Kathmandu District lies in Province 3.

As per the information shared with FF by Dahal, a group of four people entered into his

office and started to hit him with motorcycle helmets. Further, Dahal said, "After the attack, I fainted. When I was finally conscious, I was in a Model Hospital which is located near to my office."

b. Shanti Lama, a journalist associated with Gorkhapatra daily was attacked while reporting in Kirtipur on July 6. Kirtipur lies in the southern outskirt of the Kathmandu Valley.

Journalist Lama was attacked while reporting about public land which was occupied illegally by a local Sanu Dhimal. Locals of Kirtipur were in protest against Dhimal by destroying his residence which was built in a public land. Following it, when journalist Lama captured the protest, a group of local attacked her and snatched her phone as well. "Although I showed my identity card, a group of locals assailed me," journalist Lama mentioned. 

Sacked journalists intensify protest demanding restoration of job

The journalists who were expelled from job have intensified the protest in the capital city. They staged sit-in protest in front of the central office of Radio Nepal station building in Singhadurbar, Kathmandu, on September 10.

Freedom Forum's representative for Far-West Province Min Bam informed, "Journalists demonstrated black banners demanding restoration of three journalists, implementation of the provisions of Working Journalists Act with the guarantee of minimum wage to the working journalists." Earlier, three journalists working at Province Broadcasting Center Dipayal of Radio Nepal namely, Sunita Rawal, Prakash Bam and Chakra Kunwar were dismissed from their job without prior notice and explanation.

Journalist Rawal who was working with Radio Nepal for 10 years was dismissed from her job along with two other jour-

nalists who were working there for three years. Three of them were called at the Radio Broadcasting Service Development Committee on August 19 and informed about their dismissal verbally without any explanation. The incident shows that government is not serious about financial security and stability of journalists in their profession.

Freedom Forum is severely concerned over the dismissal of journalists without showing any reason. The dismissal of journalists in the media run by the government shows sheer insecurity of journalists and their profession. Posing journalists to financial insecurity and depriving them of profession has not only violated their right to work but also jeopardized press freedom. 



ARREST

a. Nine journalists, including FNJ secretary, were arrested while demanding the restoration of sacked journalists from Radio Nepal on 16 September. The journalists were arrested from central administrative office of Radio Nepal, Singha Durbar in Kathmandu. Kathmandu lies in Province 3.

Journalists namely FNJ Secretary Ram Prasad Dahal, FNJ Central Member Yam Birahi, Janmadev Jaisi, Min Bam, Nepal Press Union Central Committee Member Dilip Poudel, Ajay Babu Shiwakoti, FNJ Doti Chair Yogendra Balayer, Prakash Bam and Chakra Kunwar were arrested while they were participating in peaceful protest. The journalists were released after 2 hours of detention.

b. Khem Thapaliya, senior journalist and editor-in-chief of Jaljala monthly, was arrested from Kathmandu on August 10. Jaljala monthly is published from Kathmandu, which lies in Province 3.

According to the information received at FF, editor Thapaliya was arrested for his alleged affiliation with Netra Bikram Chand 'Biplab' led Communist Party of Nepal. According to the Nepal Police, the editor was arrested from his office.

DEATH THREAT

Prahlad Rijal, an editor with the Arthik daily received death threat for publishing news about the conflict of Royal Casino in Kathmandu on September 11. Kathmandu lies in Province 3.

As per the information received by Freedom Forum from journalist Rijal, one of the operators of Royal Casino, Bed Prasad Kapri issued death threat. The Arthik daily had published news about the casino conflict involving Kapri and other operators. Royal Casino is located at hotel Yak and Yeti in Kathmandu.

Whistle-blower sacked from job

Krishna Hari Shrestha, Mayor of Galchi Rural Municipality of Dhading district verbally terminated the term of an employee at Municipality Office for providing information to journalists that reveals the misconduct of Mayor. The incident occurred on July 17. Employee Sujata Regmi exposed that the Mayor had issued a property tax payment certificate with fake receipt- without paying the actual amount. The issue came into attention as the news was covered by major national dailies. After the coverage, the Mayor paid the allocated tax. But, he verbally fired Sujata Regmi from her job for disclosing the misconduct at office.

Regmi was appointed as a social mobilizer under Local Governance and Community Development Programme (LGCDP) project at District Development Committee seven years back and later recruited at the Rural Municipality's tax section. Along with Regmi, other two social mobilizers, Rupa Dhungana from Ward No 6 and Sita Tamang from Ward No 8 have also been sacked. Regmi who was attending her exams lately said that she would resort to the legal remedy after her exams are over.

Fighting against the wrong system and disclosing the wrongdoing is tough. As there is no legal provision for the protection of whistleblower in Nepal, the case must be taken seriously by the concerned authority and thorough investigation must be carried out. The situation shows that there is the necessity of whistleblower protection act in Nepal for the victim to take the remedy through legislation.

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Threat for exposing corruption

Journalist Balram Pudasaini associated with www.tukhabar.com, an online news portal, was threatened for writing on a construction work. The incident occurred at Makwanpur district on July 16. The district lies in Province 3.

According to the information provided by FF's representative for Province 3, Rammani Dahal, journalist Pudasaini was threatened by Ram Prasad Ghimire, Chairperson of one of the construction consumer committees at Gadhi Rural Municipality over a news story written by the journalist. The news about the use of low-quality construction materials for

the road was published on tukhabar.com where journalist had hinted on the possible corruption by the committee. The concrete on the road has already started wearing off within few days of the construction. Questioning the news published, Chairperson threatened journalist over a telephonic conversation, using abusive words and asked him to delete the news immediately.

Update:

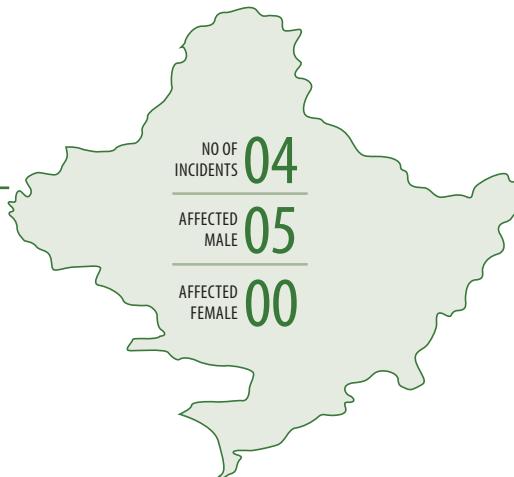
In the latest turn of event, security officials at Makwanpur arrested Ram Prasad Ghimire remanded into custody for 10 days after the complaint from the journalist.

Gandaki Province

THREAT

A. Journalist Prakash Adhikari, an editor of the online news portal, saranginews.com, was threatened by Municipal Executive Member, Rudra Kumari KC in Baglung, for writing news on August 12. Baglung lies in Gandaki Province. Adhikari was arrested for publishing news about the dispute between Jaimini Municipal Executive Members Rudra Kumari KC and Devi Nepali at the committee meeting.

Freedom Forum's representative for Gandaki Province, Rajan Pokharel, reported that during the meeting, KC used foul words to Nepali and the same issue had got coverage on the



online portal. Following it, journalist Adhikari was threatened over the phone by unknown number for writing news about KC. Journalist Adhikari was also warned of physical assault if he continued follow up on the dispute.

B. Samundra Poudel and Dambar Adhikari, editors of Khabarpatti weekly and Setimadi daily respectively, were misbehaved for writing news in Tanahu on July 26. Tanahu lies in Gandaki Province.

According to FF's representative for Gandaki Province, Rajan Upadhyay, the journalists were misbehaved during a press conference organized by Sukla Gandaki Municipality Deputy Mayor Sabita Rasaili. The press conference was organized by Rasaili to put forth her views relating to the news on her involvement on the construction of playground. The news was published in the Setimadi daily referring to Rasaili's undue interest on the construction few days back. But the locals verbally abused the journalists at the conference and did not allow them to speak. 

PROVINCE 5

MISBEHAVIOR

A. Journalist Rabindra Yadav associated with Radio Nawalpur was misbehaved for an unknown reason in Nawalparasi on September 6. The incident occurred in West Nawalparasi which lies in Province 5.

As per the information provided to Freedom Forum by journalist Yadav, he was misbehaved by a resident of Nawalparasi Pratapur village Ward No.6, Badri Yadav, along with four others, for an unknown reason. Also, Yadav suspected that the news he covered earlier about the death of a student due to snakebite and weak management of the school may be the reason behind the misbehavior.

B. Journalist Navin Abhilash, an executive editor of the Gadatantra daily, was misbehaved while reporting about the irregularities of Rapti Academy of Health Science (RAHS) in Dang on August 23. Dang lies in Province 5.

According to the FF's representative from Province 5, Sudip Gautam, Bir Bahadur Chaudhari, a guard of RAHS mistreated journalist Abhilash and snatched his camera. Further, Chaudhari lashed out at the journalists and prevented them from capturing the image of RAHS. Prior to this, twenty-five doctors at RAHS had resigned en masse. Despite the fact that doctors had resigned already, the RAHS admitted more than 100 patients. In the absence of doctors, patients were protesting against the management to return the fee they submitted for treatment. Hence, journalist Abhilash had reached the RAHS to cover the same protest.

C. Reporters Durga Rokaya, Jageshwor Chaudhary and Bhim Rokaya, associated with Avenues Television were misbehaved by staffs at a hotel in Nepalganj city on July 10. Nepalganj lies in Banke district of Province 5.



According to the information provided by FF's representative for Province 5, Sudeep Gautam, the reporters had reached Hotel Vatika for follow-up reporting on news published a month ago. The news was about the arrest of a group along with illegally collected Rs 3.5 million from the hotel.

Further, representative Gautam reported "While taking videos in the hotel premises, the hotel staffs misbehaved with reporters asking them to delete the footages. They also damaged their camera and phones". 

Karnali Province

MISBEHAVIOR

Journalist Sujita Bam and Navaraj Neupane, who were on duty at Radio Palata F.M. in Kalikot district, were misbehaved by a health assistant on August 3. The district is in Karnali Province.

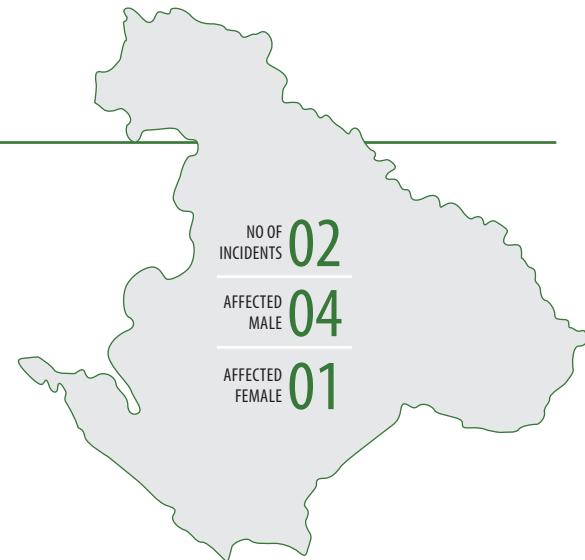
Journalists duo Bam and Neupane were mistreated by Jagadish Kumar Purve who is the health assistant at Jagannath Rural Municipality of Bajura.

According to FF's representative for Karnali Province, Laxmi Bhandari, health assistant Purve mistreated staffs of F.M. for not broadcasting his news on the F.M. Purve was drunk when he mistreated F.M. staffs. Purve also vandalized recorder and other equipment in the F.M. station.

MANHANDLE

Reporters Buddhisinh Thakuri and Navaraj Rokaya and cameraperson Bhim Pariyar who are associated with Deuti HD Television were manhandled by government employee in Surkhet. Surkhet lies in Karnali Province of Nepal.

Freedom Forum's representative for Karnali Province, Laxmi Bhandari, informed that the reporters were manhandled at the Office of the Valley Drinking Water Consumer's Committee on July 3 while reporting on the illegal appointment of employees on the contract basis. "Following the case filed by some members of the committee, the reporters had reached the office to inquire on the issue. But, instead of responding to their queries, Chairperson Kulmani Devkota including other staffs manhandled them", said representative Bhandari, quoting reporter Thakuri.



Thakuri shared with Bhandari, "The government staffs not only threatened us but also attacked and tried to seize our camera. It is disappointing that we were attacked for trying to find the fact behind the misconduct". 

Far West Province

Minister Threatens Journo Chhatyal

Dil Bahadur Chhatyal, the bureau chief of Nagarik daily in the Far West Province, was threatened by the government's Spokesperson and Minister for Internal Affairs of the same province, Prakash Bahadur Shah on August 10.

According to FF's representative for Far-West Province, Min Bam, Minister Shah threatened journalist Chhatyal for writing news about financial irregularities relating to Kailali's Haraiya land case. Further, Minister Shah

argued the news was published to tarnish the image of the government and publication of such news by the journalists was unacceptable. Minister Shah said so when Chhatyal contacted him in order to collect information about the provincial government's upcoming programs and expenditure.

In response, Minister Shah communicated aggressively, warning him not to write such news against government. Prior to this, Nagarik daily had published news about Kailali's Haraiya land issue. 



*Best wishes to you & your family
for happiness, peace & prosperity on the auspicious occasion of*

*Happy Vijaya Dashami,
Deepawali & Chhath 2076*

**FREEDOM FORUM &
FAMILY**

ToT on Civic Participation through Integrated Technology

A three-day training of trainers (ToT) on Governance School on Promoting Civic Participation in Governance and Accountability

Mechanism through Integrated Technology was held in the first week of August in Godawari, Lalitpur. Freedom Forum organized the training as part of 'Sustainable Use of Technology for Public Service Accountability in Nepal (SUSASAN) Project being implemented in six districts of Nepal, namely Achham, Bajhang, Dadeldhura, Kailali, Lalitpur and Sindhupal-chowk.

The main goal of the training was to increase the understanding and appreciation of participating district civil society organization (DC-SOs) of SUSASAN on approaches of citizen engagement in governance and accountability mechanism at sub-national (Municipal) level to help them be able to plan and deliver similar trainings to the targeted community at the respective local government structures through existing online and offline mechanism.

The training gave special emphasis on conceptual understanding on Open Government Partnership (OGP), focusing-transparency, accountability, participation and technological innovation and streamline project activities accordingly. And, the concept of proactive disclosure of information and its importance in leveraging transparency, accountability and participation was also emphatically delivered. Likewise, the training also gave emphasis on tool for measuring SDG 16.10.2 (access to information) at local government focusing its concept and relation. The participants excelled their capacity on various themes of open data, citizen budget, citizen reporting, grievance reporting, exit poll and operation of techno platform.

The participants also acquired skills and techniques to be able to facilitate trainings to representatives of existing women's network at local level."Transparency is the major component to maintain good governance and hold the



government accountable," said Taranath Dahal, Chief Executive of Freedom Forum.

Major contents of the Training

- The importance of OGP and its implementation in local level.
- The importance of Right to Information to ensuring participatory democracy by the citizen. The guiding principles and approaches to get the information and the importance of proactive disclosure to make local government accountable.
- Definition on SDG goals focusing on goal no. 16 'Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels' with highlighting SDG indicator 16.10.2 (access to information).
- Data exercise on GRM and CRC Exit Poll from the SUSASAN Portal's data.

• Explanation of citizen budget and its benefits and how our project SUSASAN is supporting in developing citizen budget and the things need to highlight and focus while preparing the citizen budget with its 3 purposes Awareness raising document, Accountability document, Advocacy.

- Ideas to develop story and analyse for the existing data which are available in the technological platforms.
- Exercise on session plan for trickle down training and the action plan for those events.

Taranath Dahal and Krishna Sapkota from Freedom Forum, Toby Mendal and Laura Notes from Centre for Law and Democracy (CLD), Canada, Binod Upadhyaya from CECI SUSASAN and Bibhushan Bista and Saroj Bista from Young Innovations had delivered the sessions. Total 19 participants representing six district-based civil society organizations (CSOs), also the local partners of the project, had participated in the training. Among 19, two area coordinators to CECI SUSASAN also participated with other local partners. 

Multi-stakeholder dialogue on FoE law

Freedom Forum organized a multi-stakeholder discussion on FoE and media law in Kathmandu on July 30. The program was organized in the presence of members of the Federal Parliament, members of Province-3 Assembly, university teachers, researchers, media persons, FoE practitioners and rights defenders. Chief Executive Taranath Dahal updated the participants on contemporary challenges of FoE in Nepal and recent legal hurdles including the provisions on Media Council Bill, IT Bill and Advertisement Bill. Noted international FoE expert, Toby Mendel, was a keynote speaker of the event. He shared core international standard of FoE referencing the Article 19 of ICCPR and of UDHR. "Seek, receive and impart information should be guaranteed for exercising FoE," he stressed, adding the FoE is guaranteed regardless of frontiers, any individuals and any medium.

According to him, FoE has however some universally acceptable restriction in international law, which, he argued, must be legitimate. Three-part test is the basic standard of regional restriction, which allows State to impose restriction in this right. Those conditions are also provisioned in Article 19 of the ICCPR. The three-part test is mentioned as:

- The interferences/restrictions should be prescribed by law,
- The restrictions should be legitimate,



- The restriction is necessary in democratic society.

He further viewed the media is seen as an intermediary to assure the FoE and information. In regards to regulations of media, the basic idea is self-regulation but other regulatory mechanism also exists. The regulatory mechanism should be free from government interference. Media diversity must be addressed in democratic system. For the broadcast media, licensing and registration is required but not for print and online. For Nepal's context, he suggested the regulation of broadcast media be handled by the federal government while print and other media regulations

looked after by the province level.

According to him, the drafts of IT Bill, Advertisement Bill and Media Council Bill had various flaws with ambiguous provisions, vague words. He even questioned the regulatory mechanism of the respective bills. The expert also responded to the questions raised by the participants 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 17 female and there were total 18 lawmakers from Federal and Provincial Parliaments. 

NA Members to Reform Media Council Bill

The National Assembly (NA) members agreed to reform regressive provisions on Media Council Bill after taking suggestions from the stakeholders. The commitment of policy makers came during the multi stakeholder discussion on "Media Council Bill" organized by Freedom Forum in Kathmandu on 25 August. Various National Assembly members, editors, former representatives of Press Council, lawyers and other concerned media stakeholders participated in the policy dialogue on the proposed bill, which was already registered in parliament (NA) now.

Highlighting the objective and major provisions in the bill, Freedom Forum's Project Manager Sanjeeb Ghimire presented a brief outline of the bill, their positive and negative aspect and impact along with the suggestions for further amendment. Meanwhile, various speakers expressed their concerns over the provision in bill. One of the former members of Press Council, Harihar Birahi, maintained that the proposed Media Council Bill should come with new provisions that can address the present day challenges of media. He also put his concern about law making trend

without engaging stakeholders while drafting. Showing concern from media fraternity, Chief-editor of Himalaya TV, Binod Dhungel questioned the proposed structure and its inclusiveness and the balancing conflict of interest of Council members. Prakash Rimal, editor with The Himalayan Times, found that instead of imagining responsible media, the bill seems as a controlling medium.

Editor with the Nagarik daily, Gunaraj Luitel, said freedom of speech could not be obstructed only because of writing. Laws are always welcome to make journalism responsible but such harsh and regressive laws always torture journalists. Subash Ghimire, Chief Editor of Republica expressed that in-house gate keeping is a kind of internal regulation which is being practiced. Khimlal Lal Bhattarai, member of National Assembly, said, "It will be easy for us to know about the issue in a better way. Press freedom is necessary. The provisions, which are harmful in the bill, will be revised, and we are committed to it." Another member of National Assembly, Pramila Kumari, said that positive suggestions were gathered about the amendment. She also expressed her concern for making Media Council

participatory and inclusive body.

Brikhesh Chandra Lal, member of the National Assembly, emphasized on freedom of press. In regards to the amendment, the media leaders need to know more about the negative impact of wrong news. However, it does not mean that press should be controlled in the name of fulfilling law, he stressed. Dinanath Sharma, member of National Assembly said that changes in the bill were natural and no government could control it. The bill would certainly be reformed and moved further after taking the stakeholder's suggestions. Concluding the discussion, Chief Executive at FF, Taranath Dahal, and Chairperson, Haribinod Adhikari, asked the NA members to amend conflicting provisions for guaranteeing press freedom and freedom of expression. The program held as part of the program "Civil Society Mutual Accountability Project (CS: MAP)", supported by FHI360 was attended by 35 participants. Out of 35 participants, there were 8 members of National Assembly and 10 female participants in the program. 

Collaborative dialogue on 'Open Parliament and Open Government' in provinces

In a bid to promote open parliament initiatives at province and federal levels, Freedom Forum so far held collaborative dialogue on 'Open Parliament: Concept and Practices' in four different provinces.

The dialogue events were organized aiming at sensitizing province assembly members (parliamentarians) and enhance their understanding on the concept and practices of parliamentary practices, Parliament Support Project (PSP) of the UNDP had provided financial assistance to execute the project which includes publication of 'Open Government and Open Parliament' booklet, collaborative dialogue at province and federal levels and outreach activities.

The thrust of the dialogue events was to trickle down the knowledge related to open parliament and open government and contribute to establish practice of parliamentary openness at sub-national level.

As of now the events took place in Surkhet (the headquarters of Karnali Province) on August 29, Dhangadhi (the headquarters of Sudur-paschim Province) on September 4, Butwal (the headquarters of Province 5) on September 19 and Pokhara (the headquarters of Gandaki Province) on September 21. The events were attended by member of parliamentarians (representing different political parties), government officials, CSOs, media representatives, innovation enthusiasts and openness champions at provincial levels.

Two introductory presentations were delivered followed by panel discussion and Q&A sessions in the dialogue events. The Open Parliament Presentation included basic concept (parliamentary openness and parliamentary democracy), characteristics, national and international best practices and areas for strengthening existing practices of open parliament in Nepal. The second presentation Open Government Partnership included introduction, major principles, OGP declaration, scope/working areas, eligibility criteria for membership Nepal's status, obligations and benefits, role of actors (parliamentarians, government, CSOs) for adoption and promotion of open government.

Keeping in mind the effect of media in today's modern society, the media mobilization was



done to cover the collaborative dialogue events held at four provinces. Print and electronic media were engaged to cover the dialogue and discussions on parliamentary openness and open government. Social media including official facebook page and twitter handle of Freedom Forum were massively used alongside the mobilization of print media. It was to disseminate the discussion and learning of the event to a wider reach of the public.

Two podcast, one on open parliament and its concepts and practices and another on open government and its concepts and practices were developed as a media product. The sources of the content for the podcast were key note speeches of province assembly speakers, deputy speakers, high-level province government representatives, province assembly members, civil society leaders and presentations on open parliament and open government. Local media

Listen to podcast

In these seven months, 45 episodes of podcast are produced and updated on FF website. The podcasts are on various pressing issues, such as press freedom, freedom of expression, impunity, RTI and policy/law making faults and suggestion, climate change, internet rights and internet governance, women presence in Nepali media, politics and democratic values and environment.

The podcasts are prepared, holding discussions with the area experts, researchers, practitioners, rights defenders, and officials from the right institutions, among others. These podcasts have clearly shed light on the growing intolerance of the government towards the atmosphere of FoE and press freedom- both in policy and practice; how non-transparent the law making process is, how the political and civic space is shrinking in the country; how rights defenders evaluate the civil and political situation is; how the family members of the victim journalists are waiting desperately for justice; in what points the government can mull for amendment and reform to ensure press freedom; how the political and economic situation is unfolding in Nepal; how the information seekers are facing problems; the way Nepali media have presented the women etc. 

Listen to Freedom Forum
Podcast Freedom Chautari Here.

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



including radio were mobilized to cover the event and further disseminate the discussions to a larger audience. Key anticipated results achieved were as follows.

- The knowledge product and dialogue on new issues of open parliament and open government contributed to improve understanding on the concept and practices around parliamentary openness in terms of lawmaking.
- The parliamentarians have expressed commitment to apply the knowledge and bring innovations to make people's representa-

tives accountable and parliament activities more transparent.

- Sharing the best practices of the province parliament during the short span of time, the parliamentary authorities have pledged to gradually collaborate with diverse actors and stakeholders including government, media, CSOs and citizens for open parliament and parliamentary reforms.
- The participants have raised collective voice for Nepal to become the member of open government partnership taking into consideration the recommendations of the government-formed taskforce and its comparative benefits. 

NEW PUBLICATION

'Open Government and Open Parliament' Booklet

The booklet "Open Government and Open Parliament" is a handy capsule with information about the concept, practice and trends on openness in governance and parliament. It contains the issues of participation, collaboration and co-creation, inclusion and diversity, open data, accessibility, transparency and accountability that impact the overall functioning of democracy. It also offers a comparative picture about how other countries have put in practice such fundamentals and how Nepal compares against the parameters of Open Government Partnership (OGP), set forth by a global forum of 79 countries and thousands of CSOs. Literature review was undertaken to identify sampled countries with similar



parliamentary practices across the region. Total 1,000 copies of the booklet were printed and massively used during collaborative dialogues. The objective was to bring knowledge product on Open Parliament and OGP as a tool for sensitization and advocacy.

*If you have any problem relating to practice of Freedom of Expression, please contact **Freedom Forum** for legal help*

TOLL FREE NUMBER: 16600102022

RTI App Promotion

Freedom Forum's representative from six provinces conducted orientation on Right to Information and its mobile application RTI Nepal. Local women and youth groups were provided orientation on the RTI Nepal App on different dates since July to September. The main objective of the program was to inform women and youth groups about RTI and use of RTI Nepal App to request information of public concern at local levels.

Orientation was focused on the provisions mentioned in RTI Act 2007, background history, usefulness and need, power of information, and the process of application while demanding information. During the program, participants were excited to know about the App and also committed to request information at public agencies. They also recommended conducting such programs among other community groups.

Following the orientation program, one of the participants, Laxmi Karki Pradhan has filed an application at Birendranagar municipality seeking information on budget allocation for women using RTI. Likewise, another participant from Dang, Yuwa Prem Ramjaa, and Bhupendra Wali sought information at Rapti Sub Regional Hospital, Gorahi, and Nepal Sanskrit University using RTI right. Moreover, more than 100 participants downloaded RTI App.

Province 2

FF conducted orientation on RTI App in Janakpur Sub-Metropolitan City Ward No. 9 and 1. There were a total 55 participants in the orientation. Among them, 30 were students and 25 women from a local Women Group. Students were from the 12th grade of New Millennium Multiple College. RTI activist Rajan Kumar Singh facilitated the training.

Province 3

The orientation on RTI and RTI Nepal App was organized for law students of class 11 from Siddhartha Secondary School on August 20, 2019 in Hetauda. FF's representative for Province 3, Rammani Dahal, facilitated the training.

Province 4

FF organized training on RTI and RTI App at Khairenit in Sukhla Gandaki Municipality on July 30 and 31. In the orientation, Kaireni Higher Secondary professor Keshab Ghimire shared that his school has hired information officer to convey necessary information to the students. Province representative For FF, Rajan Updhyay conducted the training for the students from Grade 9, 10, and 11 along with teachers.

Province 5

FF Representative in Province, Sudeep Gautam, conducted training among 38 students and women in Dang. After training, resident of Dang Yuwa

Prem Ramjaa and Bhupendra Wali demanded information at Rapti Sub Regional Hospital Gorahi and Nepal Sanskrit University using RTI application. More than 60 people were made aware on RTI right. More than 40 participants in the training downloaded RTI app.

Province 6

FF representative for Karnali Province, Laxmi Bhandari, conducted an orientation on RTI and RTI Nepal App for the women and youth groups. The program was conducted in Surkhet on April 5 and April 12 separately among 20 women and 60 students. Following the orientation program, one of the participants filed an application at Birendranagar Municipality demanding information on budget allocation for women using RTI.

Province 7

The FF conducted training on RTI and RTI Nepal App in Kailali Municipality Ward No. 3 on August 6 and September 7. Participants for the training were the people associated with the cultural local group and Surprise Youth Group from Dhangadhi Municipality. Participants learnt about the process of writing application and demanding information. Training was organized on August 6 where women volunteer including 18 women from a local Mothers' Group. A total of 20 youths participated in the training. They suggested for the conduct of training at grassroots level and information demand be made free of cost. 

RTI Law and practices discussed

On the occasion of International Right to Information Day, 28th September 2019, Freedom Forum collaborating with Karnali Foundation and Citizen Campaign for Right to Information organized an event to discuss the Right to Information laws and policies, its implementation and practices in Karnali province.

The event was organized in the presence of Chief Secretary, Kewal Prasad Bhandari as a chief guest, Chief Executive of CIAA Sesh Naran Poudel, Dr. Man Bahadur B.K. , Chief of Social Development Ministry, Information officer of Chief Minister's Office Keshav Upadhyaya and other PIO's of different ministries and offices . There were altogether 53 participants in the program. In the event, the discussion was basically about the RTI laws, its use, and its present implementation status by public bodies. In Karnali Province, no specific provincial RTI laws are made for now but



different perceptions for new laws and practices are being held. Furthermore, most of the government offices had appointed information officers and effort are made to deliver their responsibilities. In the discussion, participants also felt that RTI seems to be the law more for journalists than for the citizens. But this understanding needs to break down the path and materialized the RTI law as citizenry law which is major duty of provincial government.

Concluding the event, Chief Secretary, Kewal Bhandari stressed on to distinguish RTI practices and journalism. To capacitate both supply and demand side is pressing need of the time. He assured that all of the participants that the new laws and practices of RTI won't be regressive in terms of constitutional provision and federal RTI law.

'Praise freedom' is the new press freedom

By Mahfuz Anam

Press freedom was a fundamental pillar of modern civilisation. Nearly all countries, save the communist bloc and the dictatorial regimes, ensured special protection for the media in their constitutions. There used to be a competition of sorts to highlight media freedoms in developing countries to gain respectability in the international fora. Jailing a newperson was quite rare and closing down a media outlet was even more so. Sadly, not anymore.

In the age of populism, ultra-nationalism, rising authoritarianism, post-truth and the emergence of leaders who can commit no-wrong, there is a new incarnation of press freedom.

It is "praise freedom" – where the press is fully free but only to praise and the more the press can praise the freer it is certified to be. Any alternative view is fake news, conspiracy, anti-national, anti-progress and, in some instances, acts of treason.

In the fairy tale Snow White, in reply to the queen's well-known question, the mirror replies, "My queen, you are the fairest in the land." In today's world more and more governments and political leaders want the media to be the mirror in that fairy tale that only sings praise and not be the "mirror" that reflects the reality of the society. As in George Orwell's famous novel 1984, "War is Peace", "Freedom is Slavery" and "Ignorance is Strength", so also in the world of "praise freedom" truth is false, facts are non-facts, to dissent is to sow a seed for chaos, to oppose the official narrative is to mislead the public, to give space to the opposition is to foment divisiveness and, God forbid, to reveal corruption in the highest echelons of power is nothing short of trying to destroy the country. Since it is the free press that does all this, it is "the enemy of the people".

A new misplaced nationalistic zeal is now destroying the space for tolerance, multiplicity of views and challenging the very existence of the free press. Suddenly not to speak the truth that hurts is "patriotic" and "facts" are no more as sacrosanct.

US senator, Daniel Patrick Moynihan's famous refrain that "everybody is entitled to their own opinion but not to their own facts" is now replaced by a different ethos – if facts don't support a particular contention then invent them. Over the last several years we have been witnessing a deliberate discrediting of democracy as a political system. That it is "cumbersome", "chaotic", "views of those who don't know enough or see far enough", "time consuming", and development requires quick decisions and centralised authority that gets things done.

After all, when the leader knows everything, people's views merely distract and confuse things. Built into this mentality is a disdain for public opinion, accountability and transparency – and for the media that raises too many questions. Such a mind-set in time inevitably leads to a culture of impunity with mega corruption becoming its natural bedfellow.

Decline of the parliament as an "oversight" body has been a tragic development of recent times. In the past, governments dreaded facing parliaments because of the grilling and drubbing that they would get from well-informed and elaborately researched questioning by highly committed and motivated elected leaders determined to serve their electorate.

The decline of the role of the opposition within the parliaments have greatly added to the accountability deficit we notice all over. Judiciary's position is not very different either with its eyes not so much on people's rights and protection of all forms of freedom but more on government's wishes.

Tragically the "check and balance" system involving the judiciary, the legislative and the executive branches of the state, enshrined in every democratic constitution has collapsed. Over time, and for different historical reasons, the power balance shifted in favour of the executive branch leading to the emergence of authoritarian rule and elected "autocrats" and "demagogues" who project themselves as "demigods".

The rise of the all-powerful executive branch – meaning governments – has directly led to the increased pressure on the press to "toe the line" thereby impinging on the media's freedom to function, since it is the press that "watchdogs" the government. When press freedom is being curtailed freedom of speech can hardly remain unaffected.

Democracy's precondition is individual freedom and freedom of speech that free media embodies as an institution. It thrives by allowing multiple views, especially the dissenting ones, to be freely articulated forming a crucial part of public discourse.

By reflecting these divergent views, media brings the multi-faceted thinking process into the public domain and thereby creates that vital intellectual ferment that allows a society to pick and choose ideas that benefit them most. Just as body cells die without our blood bringing fresh supply of oxygen so also a society dies without the "oxygen of latest information and fresh ideas" that are brought to the fore through a free media and other institutions like the academia, think tanks, civic society bodies, etc. A precondition for the existence of free media is freedom of speech and freedom of thought.

As Idi Amin, the former Ugandan military strongman, is reputed to have said, "There is freedom of speech but I cannot guarantee freedom after the speech". It is that "freedom after the speech" which is now of highest concern for global journalism.

The number of journalists killed, injured, jailed, driven out of the country, intimidated, forced to indulge in self-censorship paint a very grim picture. Yet, it is only a part of the whole picture which can only be gauged if we can know how many have been silenced.

This "missing" intellectual ferment is the real loss for a society and for our future. Just as the digital revolution brought new challenges and opportunities for the media it has, unfortunately, also opened up a new avenue for government control. In many countries under the pretext of preventing the misuse of the

digital space, sweeping laws – framed mainly to stem, rather than enhance, the flow of news, views and ideas – are being enacted with an eye on the digital and mainstream media that governments increasingly find difficult to control.

The US President, Donald Trump perhaps epitomises this new era of “Praise Freedom”.

From the very start he embraced only the media that praised him and called all others the “enemy of the people” and had nothing but loathsome words for them.

Though he is not the first leader or head of government to hate the free press, he definitely gave the trend its most powerful boost.

Leaders from many parts of the world are now ardent followers of Trump and they all want a media not to play their traditional “watchdog” role but more that of the lap dog variety.

Populism and ultra-nationalism coupled with the rise of religious extremism have made prejudice and hatred an everyday affair leading to a new height in intolerance that now seriously affects the functioning of free media – one of whose fundamental role is to bring to light unpleasant truths, question the high and the mighty and uphold all forms of rights and freedoms.

These usually make for critical stories that populism, extremism and authoritarianism abhor. In Orwell’s words: “If liberty means anything at all it means the right to tell people what they do not want to hear.”

What the media is fighting for today – and doing so ever more strongly and unitedly – is to preserve perhaps the greatest achievement of human civilisation, right to freedom of thought and right to freedom of speech. The battle is for nothing less.

The Asian Editors Circle is a weekly commentary series by editors from the Asia News Network, an alliance of 24 media titles across the region. Mahfuz Anam is editor and publisher with The Daily Star of Bangladesh. The views expressed here are entirely his own. 

(Source: Read more at <https://www.thestar.com.my/news/nation/2019/08/11/praise-freedom-is-the-new-press-freedom#6KUUik5ssK10ctj0.99>)

Proclamation of 28 September as the International Day for Universal Access to Information

The General Assembly,

Recalling that the right to seek, receive and impart information is an integral part of the right to freedom of expression, as defined in article 19 of the Universal Declaration of Human Rights¹ and article 19 of the International Covenant on Civil and Political Rights,²

Reaffirming the purposes and principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling resolution 57 adopted on 17 November 2015 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-eighth session,³

Stressing that freedom of information is also central in the context of the World Summit on the Information Society, which reaffirmed freedom of expression and universal access to information as cornerstones of inclusive knowledge societies,

Stressing also the importance of full respect for the freedom of opinion and expression, including the right to seek, receive and impart information, and the fundamental importance of access to information and ideas through any media, and democratic participation,

Noting that in the declaration by the African Platform on Access to Information, adopted at the Pan-African Conference on Access to Information, organized by the Windhoek+20 Campaign on Access to Information in Africa in partnership with the United Nations Educational, Scientific and Cultural Organization, the African Union Commission and the Special Rapporteur on Freedom of Expression and Access to Information in Africa of the African Commission on Human Peoples’ Rights in Cape Town, South Africa, from 17 to 19 September 2011, the right to information was recognized as a human right and also as fundamental to development,

Recalling article 6 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the General Assembly in its resolution 53/144 of 9 December 1998,

Bearing in mind the efforts of the United Nations Educational, Scientific and Cultural Organization to highlight the relevance and importance of the right to information in the Brisbane Declaration, adopted at the International Conference on Freedom of Information: the Right to Know, held in May 2010,

Reaffirming the 2030 Agenda for Sustainable Development, adopted by the General Assembly in its resolution 70/1 of 25 September 2015, and the commitments made therein to, inter alia, promote peaceful and inclusive societies for sustainable development, including by ensuring public access to information and protecting fundamental freedoms, in accordance with national legislation and international agreements,

Considering that several civil society organizations and government bodies in the world have adopted and currently celebrate 28 September as the International Day for Universal Access to Information,

Taking note of the principles established in the declaration by the African Platform on Access to Information, and recognizing that these principles can play a crucial role in development, democracy, equality and the delivery of public services,

1. Proclaims 28 September as the International Day for Universal Access to Information;
2. Invites all Member States, organizations of the United Nations system and other international and regional organizations, as well as civil society, including non-governmental organizations and individuals, to celebrate the International Day in a manner that each considers most appropriate, with the cost to be met exclusively from voluntary contributions. 

¹ Resolution 217 A (III).

² See resolution 2200 A (XXI), annex.

³ See United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Thirty-eighth Session, Paris, 3–18 November 2015, vol. 1, Resolutions, sect. IV.

Open data booster for better performance of lawmakers

Various stakeholders have insisted the need of open data for parliamentarians to boost up their performance in law and policy making. Openness of data in useful and understandable format enables Members of Parliament to ask question to the executives in policy formulation process, speakers said at a programme 'Open Data, Right to Information and Role of Parliament' organized by Freedom Forum and Journalists' Society for Parliamentary Affairs. in Kathmandu on July 5, 2019.

The parliamentarians attending the programme also univocally agreed to legislate data openness in Nepal for public good. "The concerned thematic committees of the parliament should take leadership to enact open data law through intra-party consultation if the government did not heed on the need", said Rajendra Shrestha, lawmaker from Socialist Forum Nepal. Open data is a tool for materializing the campaign of digital Nepal so the legislators should require working for the progressive agenda on fast track, he stressed. Likewise, Rajendra Lingden, lawmaker from Rastriya Prajatantra Party (RPP) also echoed the need of bringing open data law for better and im-

proved access to information, which was already guaranteed by the Constitution and law. "Let us engage our efforts for amendment to RTI law to incorporate provisions of open data or moot to being new open data law in keeping with its best practices" he added.

Sher Bahadur Kunwar, another parliamentarian, also underlined the importance of new law on data openness and protection in consultation with thematic experts and campaigners. Presenting a working paper on the 'Need of Open Government Data Law in Nepal' Krishna Hari Baskota, Chief, National Information Commission asserted that Nepal would reap much benefits in raising the profile of the country by adopting open data practices.

He also called for the government to enforce the NIC-prepared National Action Plan of Open Government Data and pledged to provide technical assistance to the parliamentary committees on the preparation of open data related bill. Taranath Dahal, Executive Chief of Freedom Forum, presented the amendment proposal to include open data provisions in the

existing Right to Information Act. The RTI should embrace the changes surfaced in the information and technology regime to improve its practice for better governance". Lawmakers Rangamati Shahi, Ram Bahadur Bista, Udaya Sharma Poudel and Gaurishanker Chaudhary, Secretary of Parliamentary Committee on Development and Technology Banshi Poudel and Kathmandu University teacher Dr Sushamshu Dahal also underscored the need for the parliament to increase dialogue among stakeholders for introducing laws to address growing need of data openness.

Journalist Krishna Sapkota had presented a review of best laws and practices of Right to Information around the globe from open data perspectives. Society's general secretary Ashok Dahal also urged the lawmakers to enhance sensitization on data to demand accountability from executives and make their own performance in the parliament effective. Total 35 participants representing parliamentary committees, civil society organizations, media and advocates of openness took part in the deliberation calling for legislating open data in Nepal. 

Advocates trained on media law and FoE commit to defending journalists

In the wake of growing press freedom violations and increase in the cyber crime endangering freedom of expression online, Freedom Forum (FF) organized the 3-day training cum workshop on Freedom of Expression and Media Law, so that the active legal practitioners from across the country could be further aware on media related laws and constitutional provisions on FoE and garner skills to litigate the cases in favor of citizen's FoE and press freedom. During the program held in Budhanilakantha of Kathmandu from 16 to 18 August, 20 advocates- two each from seven provinces and 6 from the Kathmandu Valley totaling 20 – took part to learn the national and international provisions and standards on Freedom of Expression (FoE), privacy, cybercrime, journalist safety and impunity for crime against journalists. Among 20 advocates, 7 were female advocates. The advocates were encouraged to pay attention to the FoE practitioners whose rights had been violated and were in need of legal help. The training cum workshop was facilitated by FoE experts and senior advocates including Taranath Dahal and Ramkrishna Nirala, and Internet Society Nepal Chapter Chair Santosh Sigdel, advocates Sanjeev

Ghimire and Tanka Aryal, expert on cyber law and internet governance, Baburam Aryal. The training made aware the participants about the separate and common constitutional rights of the federal, provincial and local levels relating to media and communication as per the changed context. Cases relating to FoE and press freedom were explained before them.

The pressing and pertinent issues arising around Electronic Transaction Act 2006 (Section 47 and 48), which has frequently been used to harass and arrest journalists was explained in detail. The trainers/facilitators made the advocates aware and imparted skills how they could litigate in favour of citizens' right to FoE with proper use of related laws on FoE, media and press freedom. The participants also practiced the moot court on the third day of the training.

Freedom Forum Executive Chief Taranath Dahal observed, "The training served as a platform to establish a network of lawyers across the country which would help journalists in need of legal support. The litigation skills and knowledge

imparted on legal provisions has empowered the lawyers to work for the protection of citizen's FoE and journalists' safety." Similarly, one of the participants from province 1, Mr Narayan Dahal, said, "Now, I've felt capable to represent the case relating to media and journalists. With the growing use of internet, the FoE needs to be protected, for which the skills and knowledge I got here would be fully utilized in my area."

Another participant Mrs Gita Koirala from Karnali province viewed, "I used to take the cases related to women rights. But, this training boosted my confidence that I would be able to properly handle the cases related to journalists, press freedom and freedom of expression." Similarly, Mr Ram Bilas Yadav from Province 2 underscored, "In the changed context of federalism having three tiers of governments, there are various legal provisions enjoyed by different level of governments. This training educated on it and encouraged us to work for media freedom and journalists' rights. I will talk with journalists in length about the training. It helps boost relations between advocates and working journalists." 

Mandatory policy for women's appointment in media demanded

Media profession is an odd hour job, which requires hard work. So, women are not interested to join media. ‘Government should formulate separate policy on hiring number of women journalists in the media houses.’ ‘Families restrict women to initiate journalism career, rather they insist to making banking career.’

These statements were made by the journalists- editors and reporters- during an interface on ‘Women Representation in Province Media’ Freedom Forum organized in Bardibas, a city in southern plains, on September 30, 2019.

The interface was organized as part of the project named CAFRIIM. At the interface attended by 20 journalists, Media Monitoring Assistant, Ms Shanti Chaulagain, made presentation on women presence in the selected nine dailies- three from each Province 1, Province 2 and Province 3 of the country. The presentation was based on the findings and data analyses FF made with its regular monitoring of the province dailies from July to August 2019.

On the occasion, Surendra Bhandari, editor with the Purvanchal daily, said byline was published only in the investigative stories. “In article, female byline is visible but in news women are reluctant to publish their name,” he observed.

Similarly, Bandhu Pokharel, editor with the Udghosh daily thanked FF for incorporating Udghosh in the media content research. “We are putting effort to hire female reporter,” he added. Murali Prasad Yadav, editor with the Krishna daily, his daily had female technician, but very few female reporters. Only in investigative stories, byline was given. “Our media house emphasized on keeping male and female sources in a balanced manner,” he said adding that as the persons in position are males, they are quoted more.

Moreover, editor and publisher of the Hetauda Sandesh daily, Madhav Neupane, mentioned female were free to report on any issues. It is hard to meet female reporters’ salary expectation, he said, adding that it was problematic for media when talent female journalists quickly shift their career to NGO from journalism.



“It is difficult for journalists to retain in the profession whether they are female or male,” he observed, and argued that new generation was not interested to make career in journalism.

Kuldip Das from the Janakpur TV suggested that media house could coordinate with colleges to promote new generation journalists in the media houses.

Ajay Shah, editor with the Khabar daily said women journalists are more in radio and television than in print media. “Women are not interested to do investigating reporting,” he said, adding that media profession is an odd hour job requiring hard work. So, women are not interested to join it. According to him, women do not take media as the secure job. While hiring new journalists, it is necessary to allocate certain quota for female journalists, he suggested.

Ms Jyoti Thakur associated with the Reja daily however different from the above that family restrict women to make career in journalism rather they want them join banking job. “Women are not allowed easily to stay out of home for long which however is common for reporting,” she shared the problem.

Editor with Reja daily, Rajan Singh, viewed, “It is said audience for radio, television and print are different. In case of TV and Radio, they search more female journalists.” He argued that implementation of the provision on minimum wage to working journalists was essential to ensure more number of women in media. When the women’s number is increase, their byline and sources is obviously more. “Government should formulate separate policy on hiring number of women journalist in the media houses,” he suggested.

Reporter with the Gorkhapatra daily from Hetauda, Rammani Dahal, said the number of both the male and female journalists was very few in the district. We lack trained and skilled journalists, he said, adding that journalists are not provided even minimum salary.

Bikram Niraula from Udghosh daily of Biratnagar, a city in the southern plains of east, also echoed Mr Dahal that media houses lack trained journalists. Government should force media houses to allocate quote for women journalists, he urged.

“Report on media monitoring content published from Freedom Forum has motivated us

to build gender friendly newsroom as we are regularly monitored from gender perspective," said Editor-in-Chief Bimal Gautam at Lokantaar online news portal.

Gautam expressed his views in an interface organized by FF on August 27, 2019 where participants were from media fraternity.

In the event, Freedom Forum Media Monitoring Officer Narayan Ghimire briefed about the objective and scope of monitoring media contents through gender perspective. He stressed that after the research on media content by FF, data on women representation in media houses have been gradually improving.

Media Monitoring Coordinator Nanu Maiya Khadka highlighted the methodology and presented the finding of media content monitoring from 2017 to 2019. According to the report, there was 9% female byline and 91% male byline in print media in 2017 which remained same in 2018. Similarly, there was 11% female byline and 89% male byline in online media in 2018.

In the six months since January 2019, the print media recorded 12% female byline and 88% male byline; while in the same period, the online media recorded 18% female byline and 82% male byline. The report concluded gradual improvement in the participation of female in news byline and as news sources in both print and online media. On the report and its findings, representatives from different media expressed their views and opinions on need for inclusive newsrooms in the media houses. Adding to this Editor from Lokantaar, Gautam also suggested FF to conduct research on media coverage on local governance and RTI issues.

Advocate Pabitra Raut showed her concern towards lack of internalization of gender inclusive newsrooms at editorial level. She further suggested that women should be included in both management as well as newsrooms for their quantitative and qualitative participation. Senior Journalist from Himalaya Times daily Rama Luitel questioned whether news on social and other issues can be prioritized into so called mainstream beat in the media contents. On the other hand, Trishna Acharya, Head of Journalism Department at Divya Bhumi Multiple College, praised the study for being useful for further research and that the research should also be linked to academic discourse.

Furthermore, Editor from The Himalayan Times daily Prakash Rimal appreciating the monitoring report said that every beat/ page of newspaper is the priority for an editor. He also shared that



THT has recently recruited 3/4 female journalists for THT online and further suggested to expand the study for women's presence in managerial section of media in addition to byline and news sources. Editor Rimal also shared that THT has many female journalist as department heads who contribute to the contents but their name are not visible through bylines.

Director from Department of Information and Broadcasting, Suman Bajracharya shared the data that among 3363 journalists accredited at the department 16% are female, and among 412 editors accredited 48 are female. She said that increasing online media might have contributed to the increasing data of female editors. Also, media houses could build policies to encourage and retain more women in the media sector, she urged.

Journalist from Himalaya TV, Srijana Ghimire suggested to incorporate broadcast media in the research and further said that female is different biologically and therefore, it is important to have gender friendly work place. Policy changes brought after women journalists' reporting should also be included in the study, she stressed. Editor from Himalaya Times, Govinda Luitel while calling upon all the media to adopt 50:50 strategies as like that of BBC 50:50 project also highlighted that women should be appointed as spokesperson or information officer for their increased participation as news sources. Sensitization at editorial's level is important and female journalists themselves should also share their problems with the management, he argued.

Likewise, President of WWJ, Amika Rajthala shared her experience on how she was not promoted at work in the past when she was on maternity leave. She also claimed that female are not promoted to editorial level and still we lack female journalists in the editorial department.

Meanwhile, Vice President of FF, Sahajman Shrestha raised the question about most of the media houses that lack media guidelines to ensure good environment for female journalists.

General Secretary of Freedom Forum and former chairman of FNJ, Dharmendra Jha urged media houses to abide by the Working Journalist Act which will also encourage women's presence in the media. Journalist at www.nepallive.com, Pushpa K.C asked a question, "Why don't media houses arrange breast feeding room, so that women could be regular at work?"

Likewise, journalists from different media houses talked about women not getting unequal opportunity and pay gap among women and men and also media houses's trust upon women journalists on reporting important issues. Secretary at National Women Commission , Dipendra Kafle stated that he was disappointed to know low representation of women in the newsroom. Further, he also committed that media content monitoring report published by FF will be incorporated in the annual report of NWC .

FF executive Chief Taranath Dahal asked editors to capacitate and appoint female journalists in their media houses. He stressed that the report published by FF will help to bring change in media and also urged media houses to develop gender policy.

Lastly, FF's Chairperson, Hari Binod Adhikari thanked all participants as well as monitoring team for the research report and concluded the program calling upon the media houses to develop gender inclusive news room and news contents. The program had 32 participants; out of which 22 were female and 11 male participated in the event from diverse sectors. 

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	Taranath Dahal: Executive Chief, coordinates overall organizational and administrative affairs		
	Aruna Adhikari: Finance and Administration Officer, looks after accounting and administrative affairs and performs responsibilities as the Information Officer.		
	Nanu Maiya Khadka: Gender Monitoring Officer, responsible for monitoring media content on gender perspectives		
	Manju Ojha: Front Desk Assistant, Kamal Poudel: Driver, Ganga Kumari Gurung: Office Assistant		
	Aditya Dahal: RTI App operator		
Projects	Krishna Sapkota - SUSASAN (CONSULTANT), Narayan Ghimire - CACFRIM (CONSULTANT), Pramod Bhattarai - SUSASAN, Sanjeeb Ghimire - EEMIR Bhawana Poddar - EEMIR, Bobbish Dhakal - EEMIR, Sulav Timilsina - EEMIR, Ashmita Pokharel - CACFRIM Deepa Adhikari - CACFRIM, Shanti Chaulagain - CACFRIM		
Ongoing Project Information	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
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	Chairperson: Hari Binod Adhikari, Executive Chief: Tara Nath Dahal		
Decision Making Process	General Assembly: Making policies, rules and regulations of organization Executive committee: Formulation of action plans as per constitution of organization, rules and regulation Management team: Running projects and daily operational affairs and reporting timely to the Executive Committee.		
Past and Current Activities	Please follow the link: http://freedomforum.org.np/content/category/activities/		
Information Officer	Aruna Adhikari		
Financial Information	Freedom Forum received grants announcing Rs. 7880512.94 (July to September 2019)		
Official Website	www.freedomforum.org.np		
Publications of Freedom Forum	Freedom Forum has over 50 Publications (printed) Please Follow the Link: http://freedomforum.org.np/content/publications/		
Annual Report	http://freedomforum.org.np/content/publications/reports/annual-reports/		
Mechanism for Information Dissemination	Websites- http://www.freedomforum.org.np/ ; www.nepalpressfreedom.org , and Newsletter-Free Expression		

FF in the international forum

Legal Officer Ms. Ashmita Pokharel participated in Global Conference for Media Freedom held in UK, London from July 10-11, 2019. She served as Panelist in a session organized by Free Press Unlimited titled- Innovation to end journalist murders. The objective of the session was to highlight the need for an option to innovate the international legal infrastructure to curb violence against journalists. 

US: Future of free and open internet in the balance

Following the decision by the DC Court of Appeal to uphold portions of the FCC's repeal of rules preserving net neutrality, ARTICLE 19 calls on Congress and the States to pass legislation that adequately protects competition and lowers market entry barriers for both infrastructure providers and access service providers.

On 1 October, the D.C. Circuit Court of Appeals partially upheld the Federal Communications Commission's December 2017 proposal "Restoring Internet Freedom Order" in the case Mozilla v. FCC. The decision affirmed the 2017 rollback of the existing net neutrality rules, which required internet service providers to treat all web traffic equally. In a partial victory for net neutrality advocates, the court did rule that the FCC cannot prevent states from enacting their own net neutrality laws or other broadband regulations.

Net neutrality is one of the core principles underpinning a free and open internet. Ensuring net neutrality means that providers cannot use their control over Internet infrastructure to block, slow or prioritize access to content from certain origins or providers, to certain kinds of content, or to certain applications or services. It is the idea that the important role of providing access infrastructure should not put a provider

in the position where they can interfere with competition between service providers that rely on such infrastructure to meet consumers.

On 14 December 2017 the FCC voted to change the way that the internet was classified for regulatory purposes, effectively allowing ISPs to block or throttle websites and monetize faster download and upload speeds. In these circumstances, online services, applications, and websites can be granted preferential treatment for any number of reasons, be they commercial or ideological.

While in the United States the battle over net neutrality is mostly around profit-driven issues, such as whether or not AT&T can charge Netflix more to stream content to its customers, more authoritarian countries have used the rollback of net neutrality to justify control over internet service providers in their countries. This undercuts the fundamental promises of freedom of expression and equal access to information on the internet. It also undermines the economic, social and cultural freedoms of individuals around the world, who may find themselves at the mercy of monolithic infrastructure and access providers.

“The future of the internet is in the balance; whether it will enable human rights or repress them,” said Quinn McKew, Deputy Executive Director of ARTICLE 19. “Congress must act to restore net neutrality and signal to the world that the United States will continue to champion a free and open internet that fosters innovation and competition in support of human rights.”

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To restore net neutrality and send a signal that the US protects an open and free internet, states such as California and Washington have passed legislation restoring net neutrality. The DC Appeal court ruling prevents the FCC from overturning that legislation, which seeks to protect consumers and promote competition.

ARTICLE 19 encourages more states to quickly enact net neutrality consumer protections, responding to the strong demand by citizens to do so. Congress should also respond to the public demand for strong net neutrality protections by passing the Save the Internet Act to provide certainty to all internet users across the country, regardless of what state they live in. The Save the Internet Act has already passed the House of Representatives, and in 2018 a bipartisan majority of the U.S. Senate approved a Congressional Review Act resolution to reinstate the FCC's 2015 net neutrality protections. 

<https://www.article19.org/resources/us-future-of-free-and-open-internet-in-the-balance/>

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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