



FreeExpression

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A NEWSLETTER OF FREEDOM FORUM

Stakeholders against muzzling free press

Freedom Forum marked the 30th World Press Freedom Day, May 3, organizing a dialogue in Kathmandu on May 2, 2023. The dialogue entitled 'Press Freedom in Nepal: Status and Challenges' was conducted among journalists and freedom of expression practitioners. Executive Chief Taranath Dahal started the program launching FF's annual press freedom report. He highlighted the significance of the day to remember freedom fighters, respect journalists' contribution to the society and nation.

The Annual Press Freedom Report 2023, recorded trends and incidents of press freedom. According to the report, press freedom violations stood 40 where four media houses and 79 media persons including eight female journalists were affected. The program presided over by FF Chairperson Hari Binod Adikari had Dr. Kundan Aryal, Chairperson of INSEC; Bipul Pokharel, Chairperson of FNJ; and Roshani Adhikari, Chairperson of NEFEJ as the main speakers.

Speaking on the occasion, Chairperson of Nepal Forum of Environment Journalists (NEFEJ) Roshani Adhikari highlighted challenges faced by women journalists in terms of remuneration, working environment and decision-making roles. "Women journalists are not in a position to carry on their profession after marriage so it needs to be addressed through favourable policy to keep them in the media landscape," she viewed.

Next speaker at the program, Federation of Nepali Journalists (FNJ) Chairperson Bipul Pokharel cautioned the media fraternity to keep vigil on the attempts to introduce laws which are not compatible with the constitutional provisions and work towards improving their own performance to gain public trust.



He highlighted growing mass attacks on media, professional insecurity, impunity and non-implementation of Working Journalist Act. Pokharel stressed on building media credibility and capacity to utilize digital dividends and tackle threats. "A separate law was indispensable to deal with digital threats and impunity so as to keep media free and safe as a public good to protect the fundamental freedoms of the citizens, including right to freedom of expression and information," he underscored.

Likewise, media educator and INSEC Chairperson Dr. Kundan Aryal said non-state actors have increasingly emerged as a threat to media system due to rise in political intolerance. "In a bid to prevent different forms and manifestations of attacks, big media houses are required to come up with

ethical commitment and adopt open and visible editorial policy and grievance hearing and redress mechanisms". Media and societal relationship should be transparent, he added.

Executive Chief of Freedom Forum Taranath Dahal further said, "Nepali journalists remained vulnerable to threats and intimidation online with rapid shift towards digital space." According to him, "Nepali media faced digital threats on its content management software during democratic exercise such as election which was blatant violation of data privacy, free press, free expression and information."

On the occasion, Executive Chairperson of Rastriya Samachar Samiti Dharmendra Jha asked stakeholders to discuss the issues of editorial freedom, news room diversity, human

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Message from Executive Chief

Media reform: Why ignored?



'Full press freedom' is ensured in the very preamble of Constitution of Nepal, 2015. Right to media freedoms and right to information are enshrined in the constitution as fundamental rights. These provisions have been the excuse to the State agencies and political leaderships to claim that press freedom is guaranteed and it is safe in Nepal. Cursory, their claims are true. But, words in the constitution and laws do not act themselves. For their meaning, functioning and liveliness, they warrant practical measures and institutional mechanisms in place with necessary laws. The State behavior and programs need to suit the constitutional provisions so that the legal goals would be realized and people's aspiration met. The bitter reality media sector is facing at present in Nepal is the non-enforcement of constitutional provisions in practice with sheer ignorance on the part of political parties representing in the parliament for such a long time. It is too late for policy and law reforms to suit new constitution and new state structure-federalism.

Eight years have passed since the promulgation of Constitution of Nepal. Advancement of information technology too has continued. However, the State has failed to prioritize legal reforms in the mass communications sector. Political willpower is elusive to pay heed to when substantive discussion on it. At a time when journalism is facing multiple crises, the absence of legal and policy reforms has posed several problems. The information ecosystem is being misleading and infodemics dominating the public sphere. The weakened information system is to dent the democratic values. Well informed citizenry is imperative to enliven democratic institutions and pillars, but misinformation is swaying the public. Among multiple challenges facing Nepali media, absence of favorable legal atmosphere is pressing one. There is dire need of timely laws in this sector- some new laws are awaited while some to be revised. Similarly, the laws made to this regard lack adequate compliance with constitution and democratic values, thereby allowing hosts of anomalies. It is worrying that the first term of the government and of parliament formed after the election in three tiers of governments following the promulgation of new constitution in 2015 witnessed unprecedented political wrangling. The political leaderships' focus on making alliance and breaking alliance in a bid to secure power took toll on political development and parliamentary proceedings. Significant bills including on Information Technology could not move ahead for parliamentary debate and discussion, but sidelined. Media Council bill, a self-regulation mechanism is pending in the parliament. The public service media bill which intends to transform government-run media, Radio Nepal and NTV, is also a long pending debate – almost for two decades.

Moreover, even after the recent three tier election- the second after the new constitution, the bill session of parliament expired without any work in new legislation. It is a mockery of parliamentary system and sheer unaccountability of political parties and leaderships to render parliament ineffective. Same bickering over power with formation of political alliance and change in alliance over time distanced the parliamentary political parties and took hostage of the bill session. Federal process has also impeded provincial and local level reform on media and information regulation.

Despite sweeping change in political fronts, even the change in political system and governance, the attitude in political leadership has not changed. They are unable to develop readiness to assimilate change. It is their incapability to institutionalize the change with necessary laws and policy in place. It has resulted into gross uncertainty and anomaly in the media law. It has been years of advocacy to revise the old laws as the Print and Publication Act, the National Broadcasting Act, Radio Act, and Working Journalists' Act as per time and prepare an umbrella act that could correct the weaknesses in the old ones and regulate the new issues in mass communications in the ICT, but in vain. Upsetting that the recommendations made by the high level commission on media sector have gathered dust.

It is too contradictory that announcement of annual policies and programs seem media friendly. However, the failure to translate the words into action draws concern. It is high time the political leaderships, government, line agencies and parliaments thought on bringing new laws and addressing multifarious issues of ICT and media freedom. In order to strengthen democracy, the policy and legal reforms and institutional mechanisms must not be delayed anymore. Freedom Forum is staunch on its advocacy for advancing democracy where freedoms of expression and press are protected and promoted. It is for collaborative approach to prod the agencies concerned to pay heed to these significant needs of this hour. Delayed and untimely reform of media related policies has adversely affected democracy building process which in turn has weakened reliable medium of public opinion. This is making the nation victim of populism. 🌱

- Tara Nath Dahal

FF submits recommendation on draft national cyber security policy

The Freedom Forum submitted a preliminary recommendation on draft national cyber security policy on 23 April 2023. FF appreciates the Ministry's initiative, though late, to launch the draft of national cyber security policy. It has made some observations on the policy. Compared to the previous draft of the policy, it has some positive changes.

However, there are still some points missing to make the policy issues more comprehensive and inclusive, thereby addressing multi-stakeholders' concern and ensuring human rights, eg: protection and promotion of FoE and privacy on digital/cyber space.

1. The indicators of time and percent you mentioned in goal (8) should be better mentioned in monitoring and evaluation section with time frame, and goal mentioned clearly.
2. It would be better to have separate strategy to each objective.
3. In point no 10.6, the coordination and cooperation with civil society should be added.
4. In point no. 11.1, what does 'bidyaman kanoon' (existing law) mean? It would be better specify law/act.
5. Point no 11.4 is redundant because the country already has RTI Act, institutional mechanism, and constitutional provisions on RTI and individual privacy. So, remove it.
6. Point no 11.26 and 11.27 should incorporate 'without infringing citizen's privacy and intercepting their data'.
7. Point no 11.61, and 11.64 should clearly state that citizen's rights as freedom of expression would not be jeopardized while controlling digital contents that incite cyber bullying, harassment, hatred etc.
8. Point no 12.4 (a) should incorporate a member advocating for human rights eg freedom of expression and privacy on digital space which can be picked from relevant civil society.
9. Stakeholder engagement could be made effective through strategy and action plan rather than posing as risk factor in point no 16. (a)
10. It is better to mention the policy implementation costing with time frame.

Most importantly, policy needs to make clear what the 'cyber security' is and what are 'cyber crimes', and ensure essential values of internet- 'open, credible, safe and interoperable internet'.

In addition to this, FF, as an organization working in the sector of digital and internet governance for long, made aware the Ministry about two literatures FF produced- which have adequate resources and references on how human rights can be ensured on digital/cyber space while formulating policy and laws on it. They are Human Rights Friendly National Cyber Security Strategy, and Policy Analyses Brief. Both are in Nepali language. FF also showed readiness to cooperate for further consultation. 🌱

Press Freedom Violations

Koshi Province

Obstruction

A. Police officers obstructed three journalists from reporting in Jhapa on April 19. Jhapa lies in the Koshi Province of Nepal.

Journalists Chiranjibi Ghimire (Nayapatrika national daily), Bishnu Prasad Pokharel (Gorkhapatra national daily) and Sudeep Adhikari (Himshikhar TV) were barred from reporting the ongoing protest in Om Mechi Hospital, Jhapa.

As a woman died during her child birth, her families staged a protest for alleged carelessness of medical professionals during her treatment. On the day of incident, hospital administration and victim families held a discussion upon the case to stop the protest.

The journalists reached the site to report on the protest and ongoing discussion but the police officer on-duty stopped to enter the hospital.

“We showed them our press identity cards and requested but in vain. Even the public demanded that journalists should be present in the discussion to make the information public. But the police officers did not let us enter. One of the officers also pushed back reporter Ghimire. We could not get any information till April 21,” shared one of the victim journalists Bishnu Pokharel with Freedom Forum.

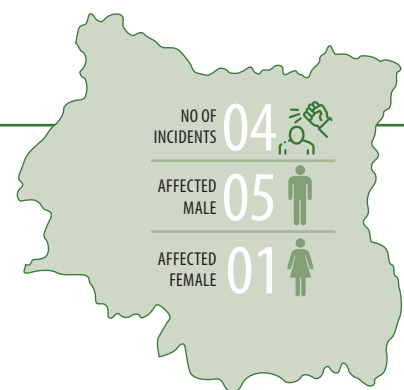
“Mayor of Damak Municipality also ordered the police officers not to let the reporters enter the place”, said journalist Pokharel.

B. Police persons misbehaved with reporter to Kantipur Television Sushila Pathak on May 24 in Biratnagar. Biratnagar lies in Koshi Province of Nepal.

Reporter Pathak shared with Freedom Forum that she was taking a video of police persons checking public fetching goods in the border area at 11:00 am. Meanwhile, the police persons told her not to take the video.

“They not only shouted at me but also seized my mobile with which I was taking the video. Even though I said that I was a journalist from television, they did not return my mobile”, said reporter Pathak.

Then, I called the police In-Charge and informed about the incident. The in-charge later sent back my mobile at around 4:00 pm and apologized for the misbehaviour of his team. 🌱



Dharan's Mayor verbally abuses journalist

Mayor of Dharan Sub-Metropolitan City Harka Sampang abused reporter at Galaxy 4K Television Prakash Timsina at a program on April 26. Dharan lies in Koshi Province of Nepal.

Talking to Freedom Forum, Vice-President of Federation of Nepali Journalists Sunsari Chapter Ganesh Niraula shared that reporter Timsina was verbally abused while reporting at a press conference held to discuss the ongoing Itahari-Dharan border conflict. When the reporter tried to ask a question, Mayor Sampang asked the reporter which political party he belonged to.

Mayor Sampang termed the journalists who write news critical to him as a 'journalist of political party', added journalist Niraula. Moreover, Mayor Sampang abused executive editor at Blast Khabar daily Bhojraj Shrestha in a program on April 27.

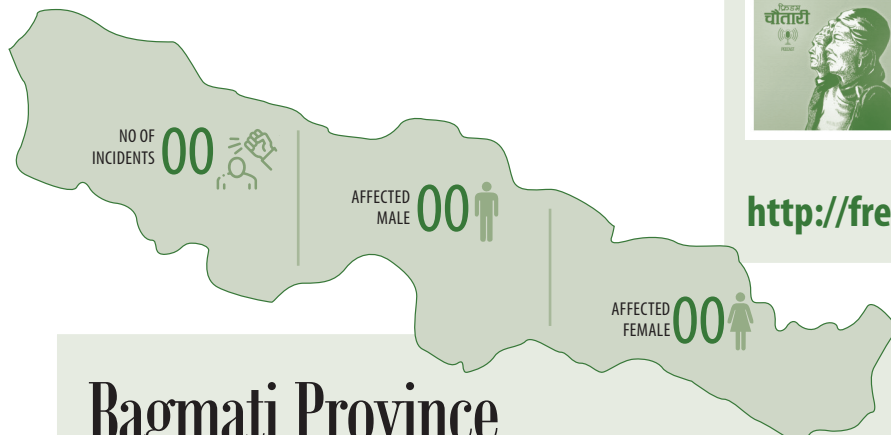
Niraula further shared that editor Shrestha was abused verbally while reporting on the postponed executive meeting of the sub-metropolitan office. When the reporter tried to ask a question, Mayor Sampang asked the reporter which political party he belonged to. The Mayor being a public authority should be tolerant to criticism. His misbehavior towards a journalist is deplorable. 🌱



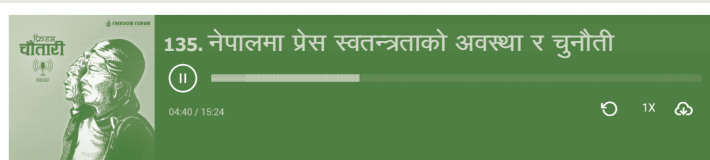
Dharan's Mayor Harka Sampang.

Madhesh Province

No incident of press freedom violation was recorded this quarter in this province. It is welcome in deed that journalists and media houses did not face any obstruction, threat and intimidation. 🌱



Listen to Freedom Forum Podcast - Freedom Chautari



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

Bagmati Province

Misbehaviour

Reporters at www.techpana.com were misbehaved for reporting on May 3 in Kathmandu. Kathmandu is the federal capital city of Nepal. Freedom Forum talked to one of the reporters Ganesh Subedi who shared that he and another reporter Hari Jang Thapa had reached a transport company's workshop to report on the newly manufactured electric motorcycle on the request of company's president Bhes Bahadur Thapa.

"We took videos of the motorcycle and its parts in cooperation with the workshop staff. Meanwhile, President Thapa arrived and shouted at us saying, "Why did you take video of the battery? Delete it now", said reporter Subedi. "Though we assured him of maintaining privacy if needed, he spoke abusively and misbehaved with us", informed reporter Subedi, adding that they have not published its news on the website.

Death threat

Economic bureau chief at Himalaya Times national daily Lekhanath Pokharel received death threat for his reporting on May 15. The incident took place in the daily's office, Mid Baneshwor, Kathmandu.

Journalist Pokharel shared with Freedom Forum that a news story on alleged involvement of Rastriya Prajatantra Party's Dolakha President Rajan Shiwakoti in a financial fraud at Sindhuwala Hydropower Limited was published on the daily on the day of incident.

"President Shiwakoti reached the office of the daily with two other people in the evening asked me whether I had written the news", said journalist Pokharel, "Then they started threatening me saying- Who is the news source? Should we file a case or what? We also have goons, they will do anything. I am also a journalist; I know how to write news". He also accused me of making false allegations against him and issued death threat. The news was based on complaint of the victim shareholders, according to Pokharel. President Shiwakoti, however, refuted the news the next day and said to the daily that he was not involved in any financial activities of the hydropower since he left in 2019/20.

Manhandle

Photojournalist at [https://deshsanchar.com](http://deshsanchar.com) Barsha Shah was misbehaved while reporting in Kathmandu on May 23. According to reporter Shah, she along with other journalists had reached Tribhuvan International Airport's domestic terminal to report on the government welcoming Hari Budha Magar who had recently scaled the Mount Everest. As soon as the vehicle carrying Magar arrived, the crowd became hysterical.

"We were also struggling to take photos and videos of Magar. Meanwhile, on-duty Superintendent of the Police Padam Bahadur Karki approached me and shouted abusively. Police persons also pushed back another journalist at Setopati online Nabin Gurung", shared reporter Shah. "I am very disappointed

with the language the police chief used to me and my colleagues", she added.

Obstruction

Senior Correspondent at www.ratopati.com Sambhu Dungal was obstructed from reporting in the federal parliament on June 13.

Journalist Dungal shared with Freedom Forum that he had been reporting on the parliamentary affairs for ten years and he very well knows the rules for reporting the House. On the day of incident, while Dungal started his reporting on the ongoing meeting on transitional justice bill among the sub-committee members a security officer approached him and told him that he was not allowed to use laptop.

"When I asked the officer for reason of not letting laptop use, he pushed me out of the meeting hall", said journalist Dungal, adding, "Then, I met security in-charge and informed about the incident. The in-charge, however, said that the security officer was not aware of rules for journalists and he asked me to continue reporting." 🌱



Threat of assault

A. Editor Basanta Basnet and investigative reporter Krishna Gyawali at www.onlinekhabar.com received threat of attack for their news reporting on June 20 in the federal capital, Kathmandu. Reporter Gyawali shared with Freedom Forum that he and the victim mentioned in the news report were followed by the accused ones while they were on the way to the district court to gather information.

Meanwhile, one of the accused also called a group of people to threaten the journalist and victim.

“The incident psychologically terrorized the victim and affected our reporting. Also, another accused has written a threatening comment on the editor Basnet’s social media post,” he added. On FF’s media monitoring desk’s question about what next, reporter Gyawali replied, “What can we do to such people? We will continue our reporting fearlessly though.”

B. Editor of Swasthyakhabar.com news portal, Sunil Sapkota, was issued threat of physical attack, for writing news on misuse of public land by the locals at Anamnagar of Kathmandu.

A gang of locals led by Hari Giri who usurped public land at Anamnagar followed him on June 21 in the city, arguing that he was the one to expose the land issue by writing news. Talking to Freedom Forum media monitoring desk, editor Sapkota informed, “I was issued threat of attack by Hari Giri’s gang who had seized the public land, but with my continuous reporting, the government was able to return the public land under its ownership.”

Sapkota further said he wrote several stories on capture of the public by a local gang, ultimately forcing the government to bring the public land to its previous status. 🌱

Gandaki Province

Reporter held briefly by government staff, police for reporting

Kaski based correspondent to ABC television Gita Rana was assaulted while reporting in a municipality office on June 27. Kaski lies in Gandaki Province of Nepal. Talking to Freedom Forum, reporter Rana shared that he had reached the Bhirkot Municipality at around 6:00 pm to take pictures and videos for his upcoming documentary on the day

of incident. Meanwhile, the administrative officer came to office and shouted at the reporter.

“Who gave you permission to take the videos? Close your camera and delete the video”, officer Dharmaraj Dhungana said. “He also called the police immediately and took me under control for an hour. I told the officer that I had already informed the office before that I will be late for reporting but the officer did not listen to me”, shared the reporter. Reporter Rana filed a complaint at the District Administration Office against the officer today, June 28, itself. 🌱



Lumbini Province

Obstruction

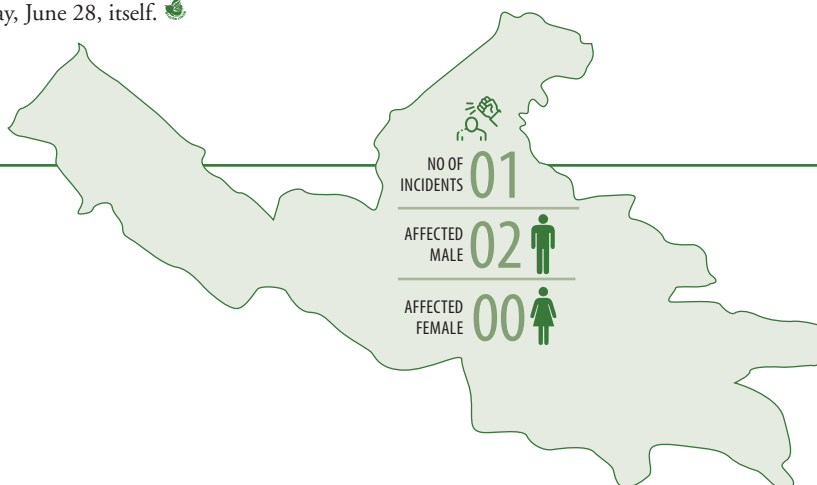
Reporter at Galaxy 4K television Ghanashyam Poudel and cameraperson Rukmangar Bhattarai were manhandled while reporting in Arghakhanchi on May 28. Arghakhanchi lies in Lumbini Province of Nepal.

Reporter Poudel shared with Freedom Forum that he and the cameraperson went to a local community school to report on school management committee formation.

“I went to report there on the basis of information provided by the parents about poor

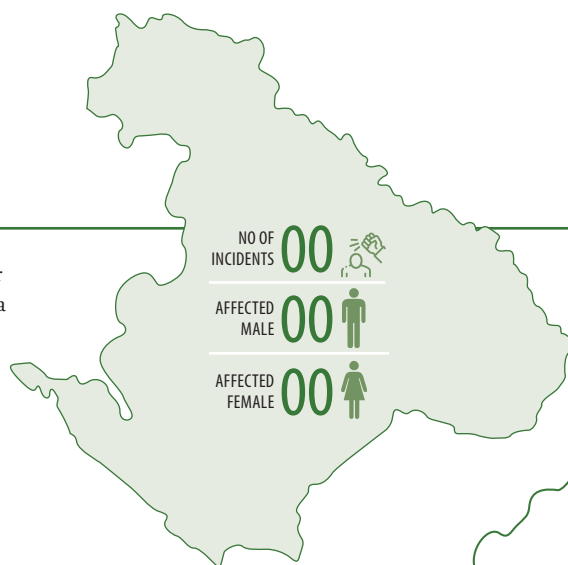
management and education quality in the school. I also asked the school management how they form school management committee without informing local representatives and parents”, said reporter Poudel.

“Thereafter, a teacher and a parent manhandled us and threw the boom. Cameraperson Bhattarai received minor injury on neck and camera lens was damaged in the incident”, added Poudel. 🌱



Karnali Province

No incident of press freedom violation was recorded this quarter in this province. It is welcome in deed that journalists and media houses did not face any obstruction, threat and intimidation. 🌿



Sudurpaschim Province

Detention

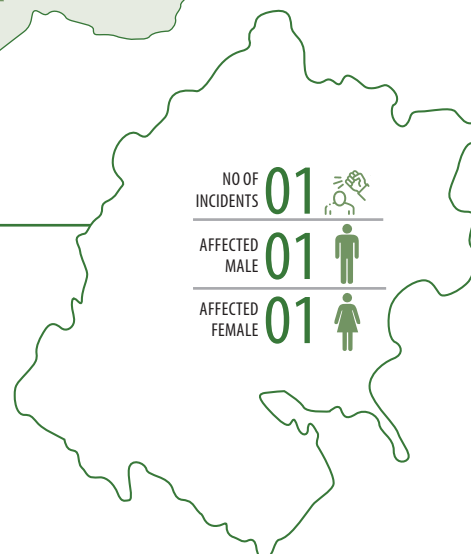
Nepal Police took two journalists under control in Kanchanpur on May 17. Kanchanpur lies in Sudurpaschim Province of Nepal.

Freedom Forum talked to one of the journalists Aishwarya Kunwar about the incident. Correspondent at Sagarmatha Television Kunwar said that Kunwar and another journalist Rajendra Nath reached a local police station in Mahendranagar to report on the clash among police persons and locals in connection with cross-border transport of goods.

Nath is editor-in-chief at <https://simarekha.com/> (a news portal).

While controlling the clash police officers arrested journalists duo despite knowing that they were reporting the incident. Kunwar said, "They not only took us under control but also seized our belongings. They handcuffed journalist Nath and took both of us into the police station. We were kept there for two hours and released later after discussion with fellow journalists."

"I was hurt in legs and shoulders while they kicked me in the station. Earlier, media had



published news on police activities, since then, they do not cooperate with journalists", Kunwar added. 🌿

Congratulations IFEX for new Council

Freedom Forum congratulates new team of 2023-2026 IFEX Council and their successful tenure ahead. The Council was elected on June 30, 2023 through voting of IFEX members round the world. Entire process took place through online platform. According to IFEX, out of a total of 96 eligible organizations, 73 votes were cast.

2023-2026 IFEX Council members include:-

Ahmad Quraishi - Afghanistan Journalists Center (AFJC)

Alejandro Delgado Faith - Instituto de Prensa y Libertad de Expresión (IPLEX)

Andrei Klikunou - Belarusian Association of Journalists (BAJ)

Ayaa Irene Lokang - Association for Media Development in South Sudan (AMDISS)

Gilbert Sendugwa - Africa Freedom of Information Centre (AFIC)

Marianela Balbi - Instituto Prensa y Sociedad de Venezuela (IPYS Venezuela)

Mishi Choudhary - SFLC.in

Nighat Dad - Digital Rights Foundation (DRF)

Sarah Clarke - ARTICLE 19

Shireen Al Khatib - Palestinian Center for Development and Media Freedoms (MADA)

Tabani Moyo - Media Institute of Southern Africa (MISA)

Wesley Gibbings - Association of Caribbean Media Workers (ACM)

Ziad Abdel Tawab - Cairo Institute for Human Rights Studies (CIHRS)

Freedom Forum, being a member of the IFEX network got opportunity to vote for the Council members. 🌿

Press Council Nepal's move against free press

Press Council Nepal, a media regulatory body, wrote a letter to the Nepal Telecommunications Authority to shutdown 15 online news portals on April 5. According to the letter, the Council had requested to shut down the media following complaint filed by the News Agency Nepal, stating that the concerned online news portals copied its contents which were shared among agency's subscribers and published on their website.

The Council's letter further stated that the concerned online news portals were not found registered and listed in the Council and had violated journalists' code of conduct. Thus, the news sites should be blocked in Nepal until the next decision.

The news portals are banikhabar.com, harekinfo.com, sanchartime.com, khabarpapers.com, malayakhabar.com, hamrosutra.com, directsamachar.com, kantipurpati.com, nepalbishesh.com, nepaltajabnahas.com, junelikhabar.com, bi-hanimedia.com, setobaagha.com, london-nepalnews.com and spacesamachar.com.

Copying and disseminating one's content without mentioning source is unethical and unprofessional practice. It is evidently against journalists' code of conduct and FF also urges media houses to abide by code. But the Council's move to shut down the media is beyond its jurisdiction. Misuse of ISP against media is also a wrong practice.

The Council needs to encourage best practice rather than blocking news media and breaching media freedom. At the same time, media houses must abide by the code. The Council must not be misused to suppress press freedom.

Moreover, FF was alarmed over Press Council Nepal's order to block an online news portal www.nationaldainik.com for its critical content. The Council requested Nepal Telecommunications Authority to block the portal following the complaint filed over a news story published on the portal on May 7.

The letter issued on May 7 states that- the Council found that the portal had violated journalists' code of conduct and the online was neither registered nor listed in the

Council. Thus, the portal should be shut down inside the country till next decision.

The news portal had published a news with audio recording about alleged involvement of women leaders in defrauding people and taking hefty amount from them luring of foreign country settlement.

The Council's letter states that one of the women leaders had filed complaint that the news was fake and had attempted to defame her.

FF condemns the Council's move to shut down the news portal. The council is an authorized body to monitor the media contents and ask the media to furnish clarification but blocking entire media for news publication is a blatant violation of free press and free expression. Press freedom is a constitutionally guaranteed right in Nepal. Press Council must not be misused by authority. 🌱

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resource and inclusive content which would contribute to enabling environment for development of media as a common platform. "Realizing the essence of building pluralistic society, it is the state as well as the multiple stakeholders, including media fraternity to take up the roles," he viewed.

Similarly, columnist and investigative journalist Namrata Sharma argued that there was rise in psychological fear among journalists. She insisted the need of educating new journalists on the new media system and human rights in the digital age. Senior official from National Human Rights Commission, Khimananda Basyal, stressed the need of bringing into implementation the journalist safety mechanism set up at NHRC with the collaboration of CSOs.

Likewise, Executive Chief of GOGO Foundation Kedar Khadka said the state mechanism was trying to control the civic space



in the name of CSOs registration, renewal and project approval which may result in gradual extinct of civil society organizations in Nepal. According to him, the media and CSOs should collaborate to protect their space and fight against attacks and threats.

The stakeholders present in the program also pointed out the need of research on media's

cyber resilience, digital intimidation on media, media monopoly, media transparency as well as recognition to YouTube journalism. Presiding over the dialogue program, Freedom Forum Chairperson Hari Binod Adhikari said self-censorship was continued to be a big challenge in Nepali media which was infringing on journalist's free expression. Total 38 participants including eight female participated in the program. 🌱

Timely production of and discussion on pre-budget statement must

Freedom Forum has called for timely production and discussion of Pre-Budget Statement in a memorandum letter with Finance Minister Dr. Prakasharan Mahat on April 26. According to the Constitution of Nepal, the budget for the upcoming fiscal year must be presented to the Federal Parliament on June 15. There is an international practice that the government should publish the pre-budget statement at least a month before the executive budget is presented to the parliament.

The budget session of the Parliament has not been called in Nepal at present. Since the pre-budget discussion has become uncertain, citizen participation and parliamentary participation in the budget will be weak and there will be no budget transparency. Thus Freedom Forum has drawn attention to this.

Pre-Budget Statement is considered an important budget document to be prepared by

the government every year at the initial stage of the budget formulation process. Making the government's economic policy as universally acceptable as possible, creating a situation where parliamentarians and ordinary citizens can give meaningful suggestions to the government during budget formulation and promoting the practice of participatory budget formulation before the executive budget proposal, the pre-budget statement should be prepared, published and discussed.

The Constitution of Nepal and the Fiscal Procedures and Financial Accountability Act have presented sufficient constitutional and legal basis for promoting citizen participation in the process of public finance management including financial governance but there is a lack of any such practice in the current climate.

Pre-budget discussions and consultations based on blank political documents without facts and figures cannot have an impact on the budget

and the overall financial policy. Taranath Dahal, Executive Chief of Freedom Forum, said that this memorandum letter was submitted so that the Ministry of Finance would prioritize the publication and discussion of the pre-budget statement, which is the starting point of citizen participation

As the date of presentation of the budget in the Parliament is approaching on Jestha 15th, Freedom Forum has brought to the attention of the government that Pre-Budget Statement should be made public at least one month in advance by adopting the international best practice regarding the publication of the said statement and create an environment for wider level public discussion on data-enriched Pre-Budget Statement. However, FF welcomed the announcement by the Finance Minister, Dr. Prakasharan Mahat, that Pre Budget Statement would be prepared and presented by March 14-15 of the year in the parliament for the next fiscal year. 🌱

Sri Lankan Information Commissioners visit Freedom Forum

Right to Information Commission, Sri Lanka's Commissioners and officials from UNDP visited Freedom Forum on May 26. FF's Chairperson Hari Binod Adhikari welcomed the Commissioners.

Justice Upaly Abeyrathne Rtd. (Chairperson), Attorney-at-Law Kishali Pinto-Jayawardena (Commissioner), Attorney-at-Law Jagath Liyana Arachchi (Commissioner) and Mohamed Nahiya (Commissioner) along with Maheshi Herat – Technical Specialist – Justice at UNDP met with Freedom Forum team where they interacted and exchanged ideas and experiences regarding the impact of RTI on the country's governance. During the meeting, FF's Executive Chief Taranath Dahal shared his experience and struggle as an RTI activist and civil society representative in promoting use of right to information in the country.



He also pointed out both the positive developments and existing challenges in its implementation at the national level. For successful establishment of RTI regime in the nation, collaboration among information commission and civil societies is important which is already in practice in Nepal, he underscored.

The commissioners were excited to learn that Nepal government had included right to information in the school curriculum as well. Advisor at Freedom Forum, Krishna Sapkota highlighted importance of RTI as crosscutting agenda in all the sectors. He also shared how RTI has played a vital role in building open data ecosystem in Nepal. 🌱

Attack on Press Freedom unabated

In 2022, Nepal had a huge democratic exercise- largely peaceful conduct of elections at local, provincial and federal levels. At a time when such democratic exercise was on the one hand, another pillar of democracy- press freedom- could not remain free and unchallenged. Intimidation continued against free reporting and publishing contents. With rapid shift towards digital sphere, Nepali journalists remained prone to threats on online space. Absence of policy and law making for free press was equally pressing. Total number of press freedom violations decreased during this monitoring period, but intimidation trend is intact. In 40 incidents of violations recorded from May 2022 to April 2023, 79 media persons including eight female and four media houses were affected. In the previous year, 96 media persons were affected in 55 incidents of violations.

1. Facts and Figures

- Out of 79 media persons affected this year, 29 faced obstructions/vandalism, 22 were attacked, 16 were abused verbally or misbehaved, eight received threat or death threat and four were arrested/detained. Similarly, three media houses were attacked, and one vandalized.
- Looking into the data on affiliation of media persons, 16 are affiliated to television, 12 are associated with online news portals, 11 each with newspaper and radio and remaining 30 mentioned under 'others' category include news agency, online television, YouTube channels, etc. Likewise, affected media are Radio Banglachuli, Avenues Television, www.onlinekhabar.com and www.ukeraa.com.
- The highest number of incidents took place in Bagmati Province (13) with majority in the federal capital, Kathmandu (9) which affected

36 media persons and three media houses. It is followed by six journalists in Koshi Province, 11 journalists in Madhesh Province, 12 journalists in Gandaki Province, five journalists and one media house in Lumbini Province, five journalists in Karnali Province and four in Sudurpashchim Province.

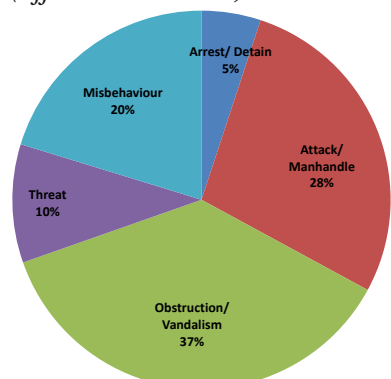
- In majority of incidents, journalists were affected by security agencies followed by political cadres and civil staffs. Out of four media houses, three were attacked by the political cadres.

2. Some major incidents

- Ward Chair at a rural municipality in Parbat threatened journalists to cut his fingers and break hands and legs for writing news about him at the voting center on the day of election. He also accused the journalist of defaming him during the election.
- The contents published on the news portal www.ukeraa.com were deleted and replaced with irrelevant contents. Total five news stories- about a citizenship and passport issues of newly established political party Rastriya Swatantra Party and its coordinator and a cooperative involving then Vice President's son - were deleted as many times as they were uploaded.
- On the run up to the election, senior journalist Kishor Nepal's mobile phone was blocked and social media accounts hacked. Although the mobile phone was opened after some days, the social media accounts were blocked for long.

- Journalist KP Dhungana received abusive and threatening messages on his social media posts after he posted a video questioning one of the leaders Rabi Lamichhane about his Nepali citizenship.
- Journalist and right to information activist Kailash Majhi was arrested and charged under indecent behaviour for his critical reporting about local leadership in Saptari. He was arrested for seeking information on activities of a construction consumer committee in the district using RTI. He was released after four days with Rs.1500 bail amount.
- Speaker of the House of Representatives, discredited journalists saying 'they were on hire during his meeting with a delegation of the Federation of Nepali Journalists on formulation of media related laws and policies.
- Election Commission Nepal ordered an online news portal to remove its content related to a contestant for election which as per ECN violated the election code of conduct.
- Press Council Nepal sought justification with the Nagarik national daily for publishing a cartoon featuring the former prime minister and leader on the daily.

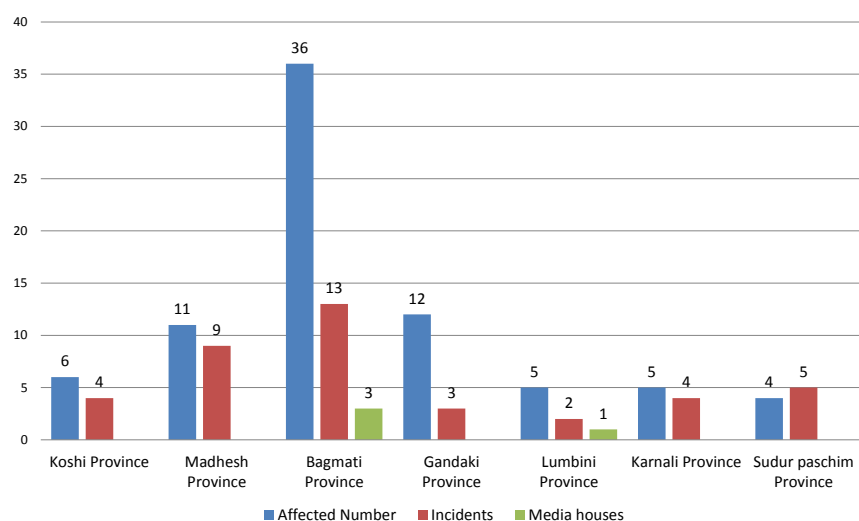
Press Freedom Violations - 40
(Affected Number- 79)



3. Impunity update

A case of media entrepreneur Arun Singhaniya was addressed in the past year 2022. Janakpur High Court sentenced life imprisonment to the Sanjay Kumar Saha who was declared the mastermind of the murder of Singhaniya on September 21, 2022.

Province-wise Incidents of Press Freedom Violation



It has been nearly two decades since the signing of Comprehensive Peace Accord but transitional justice process shows no progress. Moreover, government's adamant to pass the transitional justice bill as it is and citizen's outcry to amend the bill has almost halted the justice bodies to look into cases of impunity for crimes against journalists too.

4. Law/ Policy Watch

Bill formulated to amend Transitional Justice Act was widely criticized for depriving the victims from justice. Though the government is preparing to pass the bill without any changes, human rights activists and victim families have been demanding the government to withdraw the bill and amend it in line with the international human rights standard and Supreme Court order.

Similarly, Public Service Broadcasting Bill after being endorsed by the National Assembly is currently in the House of Representatives on April 6, 2023. According to media experts, the bill allows government to control over state-owned media if passed as it is. Freedom Forum along with other civil society organization has been lobbying with the government to amend the bill as per international PSB standard. The National Cybersecurity Policy recently brought forth by the government also drew serious attention of the digital rights activists and FoE defenders. Though it is a good practice that the government has sought for public opinion on the draft and asked to furnish any recommendations on the policy, the policy lacks human rights friendly provisions. On this, FF has also provided preliminary recommendation and if the recommendation is addressed, it would help ensure FoE friendly cyberspace.

5. Major Trends

Discrediting media by the House Speaker, despite holding an esteemed public post, reflects the people's representative's perception towards media. Such statements have discredited and devalued professional journalism and media fraternity in the nation. Issuance of warning letter by the media regulatory body, Press Council Nepal, to media house to justify their content in the run up to election is another worrying trend observed this year. The state agencies must not be motivated politically against press freedom.

Media fraternity faced digital surveillance during elections last year. The Election Commission of Nepal (ECN) had to be made aware repeatedly to not take any move that breached free press. The overarching election code of conduct has siled Nepali media. The ECN ordered an online

news portal to delete its content, bypassing the legitimate procedure of reporting to the Press Council Nepal. It was clear digression from jurisdiction that panicked free press.

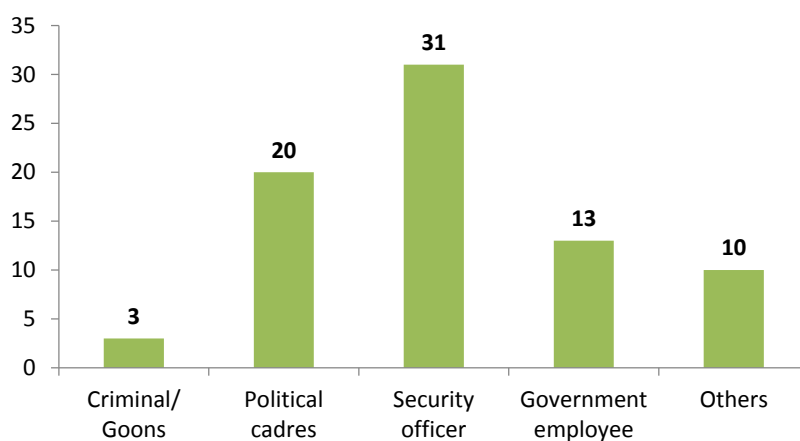
Another upsetting aspect was that the bill session of the new parliament failed to bring any important bill relating to the press freedom and journalists' rights. The parliament had direct impact of political wrangling. Nepali media also faced digital attack on its content during election. This was one of the serious attacks which was blatant violation of data privacy, free press, free expression and information. Although the number of press freedom violation declined this past year, the trend of intimidation on free press, anti-press attitude among public agencies and officials is intact.

6. Few Projections

In the wake of increasing activities of public and media in digital platforms/online, the chances of attack on media persons and press on cyberspace is high. Digital/cyber surveillance on investigative journalists, independent thinkers and free press would grow in the days ahead. So, all journalists must be digitally equipped with necessary skills and knowledge to exercise rights safely.

A substantial discourse is needed in media landscape on how Artificial Intelligence would impact on Nepali media persons and press freedoms. Nepali press and media persons are likely to witness impact of populist politics. So, they need to aware of adverse political wave to ensure free, independent and professional media. Similarly, another discourse essential at present is the financial sustainability of media houses in the face of crisis which would put press freedom at receiving end. 🌱

Hostile elements affecting journalists



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		
	Aditya Dahal: RTI App and website operator		
	Manju Ojha: Front Desk Assistant, Ganga Kumari Gurung: Office Assistant		
Consultant/Researchers	Krishna Sapkota, Narayan Ghimire, Subash Dahal		
Ongoing Project Information	Project Name	Supporting Agency	Date of start of project
	Open Budget Survey	International Budget Partnership (IBP)	1st January 2023
Services and Activities	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/Current Activities	Please follow the link: http://freedomforum.org.np/content/category/activities/		
Information Officer	Aruna Adhikari		
Financial Information	Freedom Forum received grants amounting Rs. 1354474.32 (April to June 2023).		
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/		
Information Dissemination	Websites- http://www.freedomforum.org.np/ ; www.nepalpressfreedom.org , and Newsletter-Free Expression		

UN: Promote digital, media, and information literacy

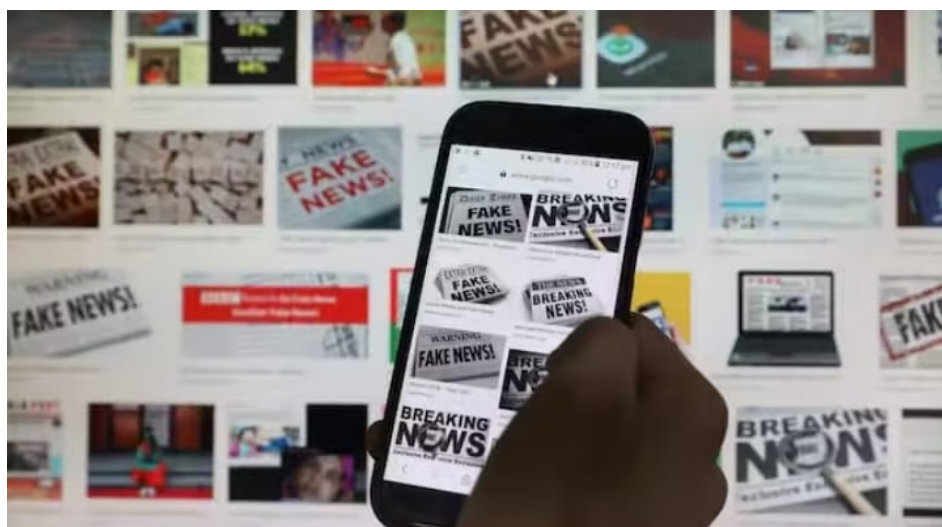
Worldwide, journalists and media workers play a critical role in facilitating the free flow of information and bringing human rights violations and corruption to light.

ARTICLE 19 delivered this statement during the panel discussion on digital, media, and information literacy at the 53rd Session of the UN Human Rights Council.

ARTICLE 19 underlines that digital, media, and information literacy is intrinsically linked to the right to freedom of expression. Where people are equipped with these skills, they can critically assess news, information, and all forms of media content, enabling them to participate in the public exchange of news and ideas.

We believe these skills act as a remedy for disinformation, hate speech, unfair content moderation, and poor transparency. In times of crisis – such as Russia's invasion of Ukraine – is it even more essential for people to be able to evaluate the type of information they receive, and how this impacts their lives and their physical safety.

It is crucial that an understanding of the key principles and international standards related to the right to freedom of expression and media freedom is part of digital, media, and information literacy. This enables people to be better equipped to demand their media is protected, remains independent, and ultimately reflects diverse voices. This must go hand-in-hand with the creation, by States, of an enabling environment for the right to freedom of expression and media freedom.



At the same time, digital, media, and information literacy should highlight the role of journalists and media workers as watchdogs of public interest information. Worldwide, journalists and media workers play a critical role in facilitating the free flow of information and bringing human rights violations and corruption to light. However, there is a trend of low trust in the media, coupled with growing attacks against and harassment of journalists, which can be reconnected with low levels of digital, media, and information literacy, among other factors.

We call on all States to include digital, media, and information literacy in educational programmes and in life-long learning initiatives, including knowledge on the key principles and international standards related to the right to freedom of expression and media freedom.

We welcome the resolution on freedom of opinion and expression that mandated this discussion today, and encourage the Human Rights Council to continue to focus more on the issue of digital, media, and information literacy. 🌱

(Source: <https://www.article19.org/resources/un-promote-digital-media-and-information-literacy/>)

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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