

Free Expression

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A NEWSLETTER OF FREEDOM FORUM

COVID-19 PANDEMIC

Save journalism, save lives

The pandemic of coronavirus (COVID-19) has caused unprecedented health crisis across the globe with its immediate repercussion in economy, industry, politics and media, among others. Social behaviour of human life has been largely affected and restricted too. As the priorities are suddenly changed in every sector, media is of course at the receiving end.

The COVID-19 is likely to cause huge shift on power and priorities. With its limited capacity, Nepali media too has witnessed paradigm shift. Stories on political power and activities have lost space on front page as media too shifted its attention to health issues in the wake of the pandemic. However, media itself has begun suffering much.

News reports are that hundreds of daily and weekly newspapers have closed publication owing to the nationwide lockdown enforced since March 24 by the government in a bid to contain the coronavirus pandemic in Nepal. Media cannot function as public good once it limits its activities. But, the stay home order has largely limited media persons' movement, thereby causing difficulty to run media houses. With the closure of transportation and market places, lack of printing paper and ink has hit hard. Similarly, many newspapers even from the federal capital closed their print edition, some cut pages and some continued only e-publication. On the other hand, individual safety of journalists has been more pressing.

Closure of media out of the federal capital means loss of jobs by thousands of journalists at once. With this news from field is likely to see sheer dearth, thereby depriving citizen's of right to information. Those working so far battling odds must be lauded. They have continued informing people. At a time when the crisis is everyone's concern, dearth of infor-



mation and media is more catastrophic. Society sans media would be swayed, and left in dark.

Moreover, in Nepal, which saw a huge number of scams, financial irregularities and corruption last year, the absence of media and free reporting can not be imagined. The continued follow up of the investigative stories, and daily updated information in the crisis are of utmost importance. Information imposed from authority can not be free reporting but practice of controlled media. Therefore, Nepali media houses at present are in need of ensuring adequate safety to journalists eg mask, goggle, gloves, sanitizers and safety gear and boost the morale. At a time when reporters are working underpaid, financial security is another task. Also to avoid confusion and even misinformation, journalists need to use social media effectively, strengthen verification process, use strong and reliable news source by prioritizing experts' views on the disease. While practicing work from home, technological skills are

essential to journalists- both for easing works and maintaining safety.

Another worrying is that in the name of crisis, the journalists are likely to be falsely alleged of spreading rumour.

Gross violation of free press; data security in question

As the contents for this newsletter were almost readied, a news story came, spreading shock wave among media fraternity. A news story mentioning the high level involvement in purchase of faulty medical equipment and safety gears was deleted from the backend of a news portal www.kathmandupress.com.

It was a grave technological attack on a news portal run from federal capital, Kathmandu. A software company providing consultancy is learnt to have deleted a news story carried by www.kathmandupress.com from the backend.

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Message from Executive Chief

Save free press in crisis

Nepal has a fledgling federal democratic republic- the achievement made with sacrifice of many people. The struggle for the establishment of democratic republic was a shared responsibility. So, stakeholders ranging from political parties to civil society and media took active participation. The new federal system is meant to deliver rights and justice to people's door steps – more conveniently, more effectively- with three layers of governments in place following the new constitution. Unlike the past, the issues of inclusion, social justice, participatory decision making and development, mainstreaming of marginalized voices are much hailed achievements. In order for the new system to be robust and full functioning, multi-stakeholders' contribution is imperative. The government having participation of the people's representatives in federal, provincial and local levels and the bureaucracy together is striving to enforce the system, while the people from civil society, media, and academia are equally working for good governance- sometime in cooperation and coordination with government and sometime with close watch and monitoring of government activities. The efforts to good governance obviously pay heed to the achievements of the democratic struggles. It means well functioning democracy is the goal.

At a time Nepal, as mentioned above, is yet to stand upright and move ahead for economic prosperity and good governance with well functioning democracy following the change in system, the epidemic of coronavirus is going to take pandemic toll and Nepal is evidently under huge threat. In view of the global threat, Nepal government too has announced measures to contain the COVID-19 and protect people's lives. The efforts to stay away from the deadly virus range from suspension of international flights to border sealing and nationwide lockdown. Strong and effective cooperation from citizen's side is expected to this end, as we have no other effective alternative in sight till date. At the same time, other essential works like strengthening of medical and health facilities and related human resources is continued for the test of COVID-19 among the suspected people. It is essentially a matter of public concern. But, the reports of financial irregularities rife in purchase of medical equipments and safety gears paints bleak picture of same old corruption culture that Nepali administration need to shun. Yes, the lockdown is the restriction of public movement, closure of public places, market area, offices, school and university, prohibition of gathering and crowds for the protection of people's health. But, the lockdown must not be a closed-door deal for illegal benefit at times of crisis. The news reports have stated huge corruption in the purchase of medical equipments.

Nepali media has been continuously working for citizen's right to information despite facing risk. As it was in the 2015 Gorkha Earthquake, the role of media is unparalleled in this COVID-19 crisis too. Timely flow of right information gains more relevance in crisis because crisis itself becomes a matter of big public concern. Despite the fact that government and other institutions have to make unprecedented efforts to cope up the crisis, the crisis is another unprecedented opportunity for the media to excel professionalism, serving the people's fundamental rights. Further activism of journalists is imperative at this moment to bring facts before the people.

However, in the name of secrecy of decisions, coordinated initiatives, and news value, the threat and harassment to journalists by the public officials are unabated which is deplorable. Any decision and initiative of public importance must be transparent- be it a normal situation or the crisis. Journalists' right to free reporting can not be compromised in the name of crisis. Once the free flow of information is blocked, the suspicion of clandestine activities is normal as seen in the procurement of medical equipment. Role of free and independent media is vital at present. Arrest of common people and even journalists in the name of 'fake news' another worrying trend. The current trend of identifying 'fake news' by a single authority and seeking security authority for immediate arrest is not only suppressing citizen's right to FoE and press freedom but also ignoring the common citizen's lack of digital skills (Can common citizen differentiate between real news and fake news?).

Media is a public good. So, building cooperative approach by the public agencies with media can better serve people with right information, timely information. Similarly, media houses are in dire need of strengthening journalists' capacity and ensuring their safety. Reporters' safety must not be ignored as they are working in the frontline. FF has been continuously monitoring the status of journalists from across the country in the face crisis. Till date, their safety is meagre. FF is therefore discussing with other CSOs and media fraternity on how their safety can be ensured, freedom of expression protected and promoted, and good governance propelled by holding public agencies transparent and accountable. Only free media can prop up the pillars of good governance and contribute to full functioning system. 

- Tara Nath Dahal



Local government watch via PIR

The malafide intention and activities of government officials, contractors, and user committees is the major challenge for public interest reporting (PIR) at local level. This is the common impression of participants in PIR workshop. The aloofness of political representatives and officials there is another pressing obstacle to unveil the public interest issues through reporting. Limited access to proper information and contradictory views of local politicians about public concern bothers and hinders the way towards in-depth reporting. The journalists participating in PIR expressed it during the two-day workshop on 'Public Interest Reporting' held in Bhaktapur on 13-14 January 2020. The event was organized by Freedom Forum. Project Manager Sanjeeb Ghimire highlighted the major objectives of the workshop on PIR. He said the workshop had aimed at bringing members of previously formed Public Interest Reporting Group (PIRG) on a board to explore and identify different public interest issues and assessing the challenges and future strategy of PIR. The workshop also aimed for developing information-sharing culture and easing joint effort among participants.

The participants assessed and analyzed the impact of previous reporting on reconstruction and rehabilitation. The active reporting at that time helped to disclose the real picture about victim of earthquake, which further helped government agencies to plan their program accordingly. The reporting about the government plan and policies of reconstruction also facilitated stakeholders of earthquake victim to get proper services on time. The PIR stories also abetted to reveal the malpractice and corruption at local level alongside it embedded as a catalyst to change the government policies and priorities. Furthermore, the workshop identified prospective issues of PIR. Consumer group and their work, local budget and expanses, health service and community school performance, excessive exploitation of local natural resources, performance of local representatives, problem related to retrofitting and reconstruction, performance and accountability of judicial committee, effectiveness of agricultural program and fund, audit and accountability measure of local government are the major issues.

Concerning on the skills and capacity building of the PIR group; Chief Executive at Freedom Forum, Taranath Dahal, focused on the impact of PIR reporting. He stressed on participants' learning, way forward and their visible performance that can lead to a higher level of professionalism. Similarly, mentor and facilitator Dharmendra Jha said understanding on PIR at grassroots level could be broadened with self-engaged reporting. He also shared the reporting tools, techniques, and strategies based on identified issues.

Besides, the PIR participants highlighted the following future strategies for collaborative effort.

- Engage group members via different meetings and communication means- both virtual and other forms in routine manner,
- Explore the opportunities for capacity enhancement, training, and mentoring on public interest reporting,
- Expand PIR group and network as per the need, and share different issues and ideas, angles about PIR issues in social media platform and group.

The workshop, held as part of the program 'Civil Society Mutual Accountability Project (CS: MAP)' with the support of FHI360, was attended by 16 participants. Out of 16 participants, there were 3 females in the event. 

Access to information enables open local government

Implementation of constitutionally and legally guaranteed right to information (RTI) with a focus on its proactive disclosure offers ample opportunities for local governments to build the image of open government, stakeholders said. An informed citizenry can only provide civic oversight on the decisions and functions of the government and public authorities, paving the way for transparent and accountable local government, the speakers noted.

At a national-level consultative seminar on 'RTI for good governance in local governments' organized by Freedom Forum in the capital on 28 January 2020, constitutional expert Kashiraj Dahal said corruption and irregularities do not get space where the RTI and people's participation are effective. "Local governments have a chance to transform them to open government by effectively enforcing the right to information. It is critically important when some local governments are now charged with graft cases", he said.

Presenting a working paper on 'Importance of RTI for transparent, accountable and responsive local government', he called for the local governments to make their oversight bodies including legislative committee, public accounts committee and good governance committee functional for effective oversight. "Through effective oversight these committees can be instrumental in checking irregularities and corruption propping up in local governments", he said.

The Commission for Investigation of Abuse of Authority (CIAA)'s recent 61-point recommendations has empirically claimed that the local governments are increasingly misusing their power. Dahal, also the coordinator of the seven-member RTI Bill drafting taskforce, encouraged RTI activists and advocates to use RTI for governance reforms by demanding information in the critical areas of governance such as planning, budget formulation, procurement and arrears.

Commenting on the paper, governance expert Dr Mukti Rijal also underscored the need to make opposition and oversight mechanism strong and effective at the local level in line with the principle of check and balance and



separation of power. "Nepal's local government is constitutionally formed as a very strong structure with concurrent powers along with federal and state governments, right of the locally elected chiefs and deputy chiefs of the local governments to vote to elect National Assembly members."

He insisted the need of massive citizen education for wider civic engagement to enable them to see and oversee local governance affairs and protect the strengths of local government structure of Nepal.

Dhangadhi sub-metropolis Mayor Nripa Wod, while rendering comment on the paper, said the efforts for delivering good governance are not being supported by administrative staffs in many instances. Wod underlined the need to sensitize senior local government staffs on RTI for its effective implementation.

Likewise, presenting another working paper 'Importance of practice of proactive disclosure at local government and its legal arrangement', Dharmendra Jha, RTI expert, highlighted the need of compliance with the RTI laws focusing on both reactive and proactive disclosure at local level. "Every local government are legally obliged to proactively disclose minimum 20 types of administrative, financial, services and audit related information, among others in every three months", he said, adding the local governments are ignoring to meet their RTI-stipulated obligations.

Rendering comments on the paper, Secretary of National Information Commission (NIC) Maniram Ojha highlighted the role of NIC as regulatory body to dispense justice to the information requesters when their applications are not entertained.

Amargadhi municipality deputy mayor Sangeeta Bhandari presented use of various technological tools and mechanisms in her local government in ensuring citizens' access to information of public areas. Freedom Forum Executive Chief Taranath Dahal said the national seminar was organized to amplify the voice for implementation of RTI for good governance at local level and help build the good image of local governments. "Improving citizen-state engagement through RTI enables open and transparent government. The event will serve this purpose and leverage local governance reforms", he added.

Chiefs and deputy chiefs of different 12 local governments and representatives of CSOs from Sindhupalchowk, Lalitpur, Dhangadhi, Dadeldhura, Achham and Bajhang shared the best practices of governance in their areas. The local government authorities pledged to bring RTI into implementation and promote evidence-based planning and programming at local level. As many as 80 participants including state assembly members, mayors/chairs, deputy mayors/vice-chair, government officials, information officers and representatives of CSOs, private sector, universities and media took part in the seminar.

Press Freedom Violations

PROVINCE 1

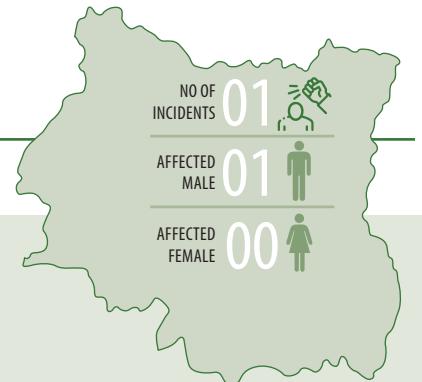
SUB-METROPOLITAN MAYOR CHAUDHARI MISBEHAVES WITH JOURNALIST AGAIN

Yet again, Itahari Sub-Metropolitan City's Mayor Dwarik Lal Chaudhari misbehaved with Itahari based television journalist Rajan Katwal while inquiring him about status of preparedness to the COVID-19 in Itahari on March 26. The incident took place in Itahari, Province 1, which is the eastern city of Nepal.

Journalist Katwal is associated with a local media- Arena Television.

According to FF's representative from Province 1, Bikram Niraula, journalist Katwal hosted a program related to spread of coronavirus and on the same issue he also talked to Mayor Chaudhari. At the time of crisis, instead of providing accurate information, Mayor Chaudhari aggressively responded to journalist and spoke foul words to him.

Freedom Forum condemned the verbal abuse by the Mayor while reporting about the pandemic which has instigated fear among public. Amid fear COVID-19 pandemic, journalist performing their duty to disseminate accurate



information is praiseworthy. But, meting out harassment to journalist is violation of press freedom.

Mayor Chaudhary had already earned disrepute for his gross behavior with journalists last year.

Hence, FF urges the Mayor to respect journalists' rights and also help journalists share proper information in amicable environment at this time crisis. 

PROVINCE 2

MAYOR ATTACKS LOCAL FOR REQUESTING INFORMATION

Mahagadhimai Municipality Mayor Upendra Prasad Yadav attacked a local who was requesting information regarding incomplete developmental activities in Province 2 on February 24. It was the work related to drainage at the local level that created a problem for the locals for long.

According to FF's representative for Province 2, Rajan Singh, a local named Mukesh Kushwa was regularly complaining about drainage which should have been completed within fiscal year 2075/2076 BS. Instead, drainage was not completed and it has been creating problem to the locals. Therefore, Kushwa was complaining and pressurizing the municipality to complete the work in time.

When a local Kushwa asked about drainage, Mayor responded to him aggressively and told him that the problem of drainage would not be solved now. However, Kushwa managed to record the Mayor's feedback, but at the same time, he was attacked by the Mayor.

ATTACK

More than half a dozen journalists were attacked while seeking information at Janakpurdham Sub-Metropolitan City office on January 7. Journalists had visited the office to report dispute surrounding the Janaki Temple. Janakpur is located in Province 2.

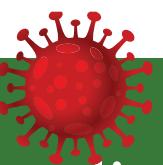
Journalists Anil Mishra, Arkanta Amar, Bikash Shah, Raja Jha, Summit Mishra, SubashKarn, and Shatrudhan Yadav were manhandled under the direction of Mayor Lal Kishor Shah during reporting at Metropolitan City office. Journalists Karna, Jha, and Thakur represent Ujjwalo online, Deshsanchar online and Kantipur TV respectively.

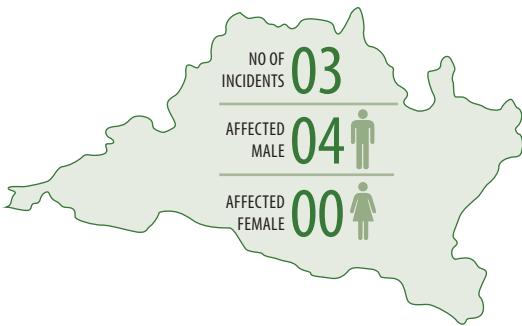
FF received the information that journalists were manhandled also at the office of Mayor by the security officials.



Meanwhile, journalists Amar who was beaten badly sustained the injury in the head.

According to the victim journalists, Mayor Shah told them to wait for 3 hours for the bye. Further, journalists said Mayor misbehaved and aggressively responded to them saying media were spreading unwanted fear. 


COVID-19 PANDEMIC
**Save Journalism,
Save Lives**



PROVINCE 3

Obstruction

A. Two journalists were barred from reporting on the 6th municipal assembly of Sindhuli Kamalamai Municipality held on January 8. Sindhuli lies in Province 3.

As per Freedom Forum representative for Province 3, Rammani Dahal, journalists were not allowed to report on the 6th municipal assembly as Municipal Chief Khadga Bahadur Khatri asked journalists for an entry pass. Further, Khatri asserted that the discussed Assembly issues were not of serious kind. So, journalists were not invited for reporting.

FF condemns the incident where journalists were barred for reporting. It is the disrespect to journalists' right to free reporting. FF urges the concerned authority to respect press freedom and journalists' right to free reporting. It is also the right of citizens to know information about the issues of public concern.

B. Reporter Shiva Sharma Gautam affiliated to Chitwan-based Kayakairan daily and Synergy

FM was misbehaved while reporting on March 20 evening in Bharatpur, Chitwan. Chitwan lies in Bagmati Province.

According to the information received at Freedom Forum, staffs of Bharbhateni Supermarket misbehaved with the reporter and forced him to delete the pictures clicked while reporting at the place.

They deleted the pictures even after he revealed his identity as a reporter, informed FF's representative for Bagmati Province Ram Mani Dahal quoting reporter Gautam. Freedom Forum condemns such activity as it is violation of press freedom and right to information. Journalists have the right to reporting and taking photos of the places of public concern. 

Shiwakoti feels threatened for practicing investigative journalism

Journalist Ajaybabu Shiwakoti feels threatened for practicing investigative journalism in Kathmandu. Kathmandu is the federal capital and lies in Province 3.

Journalist Siwakoti is the editor at hamrakura.com. As per information received by FF, journalist Siwakoti was picketed by the unknown people following the story he broke recently on scam of commission seeking by sitting Minister. He shared the activities of unknown people were suspicious and threatening to him.

With the breaking news of the audiotape in which Minister for Communications and Information Technology, GokulBaskota, was bargaining for bribe of Rs 700 million with a foreign company agent, Siwakoti earned accolade and the Minister was forced to resign.

Previously, he had broken a story by interviewing a woman- a victim of sexual harassment by then Speaker of the House of Representatives, which too made Speaker to step down from the post. It is worth remembering that high level corruption and scam are unfolding in Nepal for some time. 

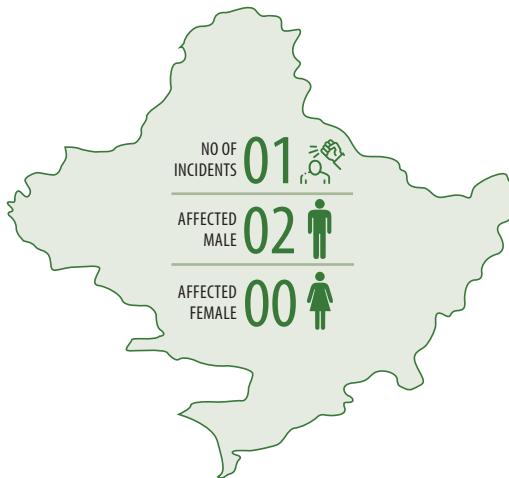


Gandaki Province

Obstruction

Journalists associated with News24 television were prohibited to enter the premise of District Police Office, Kaski, while they were on their way to collect information on 29 January. They were stopped at the gate of the Office after the Chief Dan Bahadur Karki gave such order.

Kaski lies in Gandaki Province. According to FF's representative for Gandaki Province, Rajan Upadhyay, one of the members of the journal-



ists' team, Uttam Paudel told him, "The bureau members wanted to follow up the news of fake gold and an incident concerning intoxicated police who had shown up in the office drunk".

However, Paudel and another journalist Rajendra Adhikari were denied entry to the office following the publication of news in News24nepal.com titled, "Fake gold in custody! And, the mysterious silence of Kaski Police". They said that they are obligated to rely on external sources to collect news. 

PROVINCE 5

Citizen arrested

Freedom Forum condemns the arrest of Sakif Khan for allegedly speaking foul on the police and the politicians. The 22-year-old from Pakadi of Kapilvastu Mayadevi Rural Municipality-1, was held for writing such post on his Facebook handle on Sunday (?). Kapilvastu lies in Province No. 5.

"The police and politicians in the power of Mayadevi Rural Municipality will all die of Corona", Khan wrote showing his dissatisfaction with how the COVID-19 situation was being handled by the government system.



The Inspector of Area Police Office, Ganesh Subedi said, he will be charged under indecent behavior. Article 118 of the Muluki Criminal Code, 2074 addresses the act of indecent behavior.

FF condemns the act of the police to arrest the general public for showing their dissatisfaction against the public authorities. The constitution of Nepal itself gives the right to the citizens of Nepal to freely express their

opinion and thoughts which also includes negative feedbacks and criticism against the government institutions. While some limitations are provided by law, however, in this case, the opinion is harmless and innocent and should be rather taken as a criticism amid the panic arising of the COVID-19 nationwide.

Karnali Province

Rokaya injured in attack

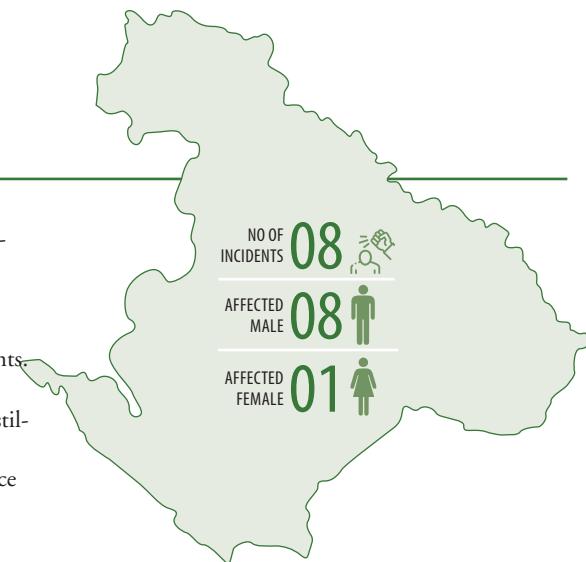
Mahesh Rokaya working at Karnali bureau of Mountain Television in Surkhet was attacked in the evening of March 16. A gang attacked Rokaya at about 7:30pm while returning home after office works.

Rokaya's tooth was damaged in the attack. "I was attacked by a gang of Arjun BK, Kedar Sahi and others while I was returning home after office," journalist Rokaya shared with FF's Karnali Province representative Laxmi Bhandari.

The attackers are from Ward No 12 of Birendranagar municipality in the district.

Rokaya filed a complaint at District Police Office, Surkhet, seeking action to the assailants.

The incident shows journalists are facing hostility with physical attacks. Journalists who are working for information and good governance are in dire need of safety. 



Death Threat via Facebook

Kalikot based reporter to the Annapurna Post national daily, Bishnu Prasad Neupane, was issued death threat for writing news on March 29. Kalikot district lies in Karnali Province of Nepal. According to Freedom Forum's representative from Karnali Province Laxmi Bhandari, reporter Neupane had written news about misuse of ambulance by parliamentarians during lockdown.

Since then, he has been receiving death threats and abusive messages through social media pages.

He has also been receiving several threatening and abusive messages on his mobile phone from lawmakers' relatives, informed Bhandari quoting reporter Neupane. Issuing threat to journalists working during crisis is sheer

irresponsibility of the lawmakers. Rather than setting example with good practice, such misuse of power by lawmakers is equally deplorable.

Freedom Forum condemns threat issued to journalist for writing news. It is gross violation of press freedom. Also, journalists are free to write news on the irregularities and malpractices in the society, parliament and government. 

Death Threat

Business persons have been frequently issuing death threat to Nagendra Upadhyay, a journalist from Surkhet for writing news about the encroachment of public land by the business persons. The threat came after the publication of news in Nagarik daily on December 24, 2019.

As per FF's representative for Province 6, Laxmi Bhandari, local entrepreneurs who have been misusing the land threatened journalist in many ways- through phone calls, meetings, and social media platforms. Moreover, picketing of journalist's home has also been one to threaten journalists.

While talking to Bhandari, journalist Upadhyay shared, "I have been threatened frequently after news published in Nagarik daily. Now, I am feared and distressed as it is difficult for me to walk freely."

Death Threat

Journalist Nagendra Upadhyay issued death threat for publishing news about state property in the name of the person in Surkhet on January 8. Surkhet lies in Karnali Province.

Journalist Upadhyay is associated with the Nagarik daily.

As per Freedom Forum's representative, Laxmi Bhandari, journalist Upadhyay received death threats from the persons who have been holding the state land.

Journalist Upadhyay said, "After I wrote the news, it is being difficult for me to walk freely."

Attack

A. Police attacked Nirmal Pyakurel, a Surkhet based reporter for News 24, while covering a public protest which took a violent turn leading to clash between public and the police. While the journalist Pyakurel was taking video of the incident, the police charged him and broke his camera despite showing the press ID on 28 January 2020. Surkhet lies in Karnali Province.

As per FF's representative of Karnali Province, Laxmi Bhandari, Pyakurel was covering the news at Birendra Nagar Arichowk, covering the issue of public importance. But he was assaulted by the police. In the attack, his camera was damaged. Pyakurel said, "I was capturing the protest on my video camera as my regular job. How can journalists work if we are assaulted in such way?"

B. Reporter for Surkhet based Kakrebihar daily Punam BC was attacked in Surkhet on March 3, 2020. Surkhet lies in Karnali Province of Nepal.

As per the information provided by FF's representative Laxmi Bhandari, reporter BC was attacked by the protestors while he was on the way back to home from work.

The irate protestors indiscriminately bounced on him when he approached the former to know the reason behind the protest, informed representative Bhandari quoting the reporter BC. He has sustained minor injuries on his face and hands.

The attackers who were arrested for meting out misbehaviour against journalist were released after mutual understanding, Bhandari further

informed quoting Deputy Superintendent of Police Ravi Rawal.

Obstruction

Journalists duo Hemraj Sijapati and Navin Sharma were barred from reporting by security officials at District Police Office, Dailekh. Dailekh lies in Karnali Province.

Journalist Sijapati is associated with [www.mccnepal.com.np](http://mccnepal.com.np) news portal and Sharma is associated with Image Channel.

According to the Freedom Forum's Karnali Province representative Laxmi Bhandari, journalists duo Sijapati and Sharma were restricted to report by security officials. Journalist Sharma said, "Despite showing our identity cards, we were not allowed to enter District Police Office." Further, he said that Indian police were found in Nepal in their uniform and therefore, they were at the office to know more information about it. District Police Office, Dailekh Police Inspector Naina Bahadur Saud however said that he was unknown about the incident.

Manhandle

Journalist Bibas Kumar Sejuwal was manhandled over the reporting on people's crowd amid COVID-19 lockdown in Surkhet on March 29. As the country is in lockdown, locals threatened journalist not to report on their gathering. Surkhet lies in Karnali Province.

Journalist Sejuwal is associated with News24 television. Talking to Freedom Forum's representative for Karnali Province, Laxmi Bhandari, journalist Sejuwal shared that he was obstructed and threatened not to record video mentioning that they were close people of the Provincial Minister. 

Sudur Paschim Province

JOURNALIST RAULE ATTACKED IN BAJURA

Journalist associated with National News Agency, Prem Raule, was attacked in Bajura on February 15, 2019. As per information received by Freedom Forum, journalist Raule was attacked and threatened by the Congress cadres. Journalist Raule was attacked during a discussion related to the exam of Radio Paurakhi's Station Manager. 



Listen to Podcast

Quarantined to avoid coronavirus? Here are some podcasts to know about media in crisis, role of information, freedom of expression, media coverage, media policy and laws, corruption and irregularities, democratic values and system etc. These podcasts are uploaded on FF website.

Headline: Coronavirus Menace

This episode of podcast is on the issues surrounding COVID-19 pandemic. Article related to Coronavirus menace which were initially published in Kantipur Daily and Nayapatrika Daily with headlines 'How sensitive is Nepal from Corona aspect and 'Why there is different Corona death rate: South Korea and Italy' respectively were incorporated in the podcast.

Headline: Why Special Service Bill should be amended

This episode discussed the much debated "Nepal Special Service Bill" which as of now is under discussion in the National assembly (Upper House of Parliament) legislative committee. It also highlighted on its negative impact on press freedom focusing on media's right to free speech and their right to free reporting.

Headline: Women representation in Media and challenges

March 8-International Women's Day! This episode discusses overall representation of women in media in the byline, sources and content. It compares past and present women representation in the media.

Headline: Democracy and current political situation

In Nepali calendar, Falgun 7 is the Democracy Day

in Nepal. On the Democracy Day, senior political analyst Krishna Khanal talked about democracy in current political situation in Nepal. Participants in the discussion were Krishna Khanal and Freedom Forum Chair Haribinod Adhikari.

Headline: Local government planning and budgeting

Complaints are rife that citizens' participation at 753 local governments is dismal. There are many loopholes at local levels in the process of making participatory decision. Citizens are unaware about the local government planning, program activities and budget process. On the same issue, podcast is made. Discussion was being held between Aditya Dahal and Freedom Forum governance project officer Pramod Bhattarai.

Headline: Nepal: The Corruption Survey

Podcast was based on the report published by Transparency International on status of corruption among 180 countries across the world. In 2019, as done every year, status of Nepal's corruption was also mentioned. On January 9, Nepal chapter of Transparency International unveiled the report in Nepal. According to that report, Nepal is highly corrupted country in comparison to other Asian nations.

Headline: Right to Information Campaign at local level-I

Good governance campaign was held in order to make local government transparent, accountable and responsible in 12 municipalities. This year, campaign was organized to make right to information related law more effective.

Listen to Freedom Forum Podcast Freedom Chautari Here.

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



Headline: Right to Information Campaign at local level-II

To create open, transparent and accountable government, citizens must be informed, active and aware. Workshop was organized on RTI campaign in the Kathmandu surrounding RTI campaign. However, podcast was focused on campaign activities where RTI activist and constitution and administration specialist KashiRaj Dahal's opinion was also included.

Headline: Right to Information Campaign III

Implementing right to information is the responsibility of every public institution. Right to Information is guaranteed by Article 27 of the constitution of Nepal. Senior journalist and activist Dharmendra Jha, Advocate Sanjeeb Ghimire, Dadeldhura District's Amargadi Municipality Deputy Mayor Sangita Bhandari and National Information Commission's Secretary Maniram Ojha were on discussion. Program was facilitated by Krishna Sapkota who also has specialization on RTI.

Headline: Challenges and Possibilities of YouTube and Online TV in Nepal

Lately in Nepal, YouTube and online televisions are mushrooming. With their popularity, they have received both criticism and praise. In this regard, Nepal active YouTubers conducted national gathering and discussion was held on challenges of YouTube and online channels in Nepal. Participants on the discussion were senior journalists duo Taranath Dahal and Shiva Gaule, senior advocate Born Bahadur Karki and online journalist specialist Prabesh Subedi. 

Why Special Service Bill should be amended

By: Taranath Dahal & Dikchya Raut

If Special Service Bill is authenticated in current format, it could lead to self-censorship among the journalists and their sources. Besides, journalists, You Tubers and bloggers may be arrested. Although Nepal stands proud to ratify important international human rights instruments such as International Covenant on Civil and Political Rights (ICCPR) earlier as compared to other South Asian countries, it lags behind in domesticating these legal standards, and does not standardize the provision of international principles. National laws to protect the constitutionally guaranteed right to privacy and freedom of expression show this inability. Article 17 of ICCPR states that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation.” It also says that “everyone has the right to protection of the law against such interference or attacks.”

But in Nepal, several new laws have been proposed which limit fundamental rights such as right to privacy, freedom of expression (FoE) and information and assembly. One common feature among the proposed laws is increasing censorship and surveillance by the state.

Right to privacy was enshrined for the first time in the Constitution of Nepal 1990, which continues in the present constitution as well. One addition in the current constitution is a provision of “except in accordance with the law,” an exception to otherwise exclusive right.

In this context, it is pertinent to debate the “Bill to Amend and Integrate Laws Relating to the Constitution and Operation of Nepal Special Service” which is under discussion in the legislative committee of the Upper House of the parliament. Clause 10 of the Bill consists following provisions. It says that audio or audiovisual conversation at the individual or institutional level that is suspicious can be kept under surveillance, monitored or intercepted. Second, it states that intelligence agents shall have power to collect the information from the service providers communicated through the computer, mobile phone, internet or digital medium. Third, the service providers are re-

quired to provide aforementioned information on demand. Fourth, such information should be used for the same purpose it was intended during collection. Fifth, when necessary, the agent can be mobilized within the country or outside Nepal as a part of secret mission. The regulation, appointment and mobilization concerned with such a mission will be kept secret. Finally, it says that a separate procedure will be applied in order to carry out the secret mission.

Threat to privacy

Obviously, these provisions pose grave threat to right to privacy and freedom of expression. Clause 10 (4) directly infringes on individuals’ rights to speak freely and maintain privacy. It contradicts with Article 16 of the constitution which has guaranteed right to live with dignity and Article 17 which guarantees freedom of opinion and expression to its citizens. In order to publish or display any opinion, art, literature, editorial or news, freedom of expression is a must. Therefore, the fundamental rights such as right to publication as well as right to privacy of people’s property, body, residence, literature, data and character has also been safeguarded by the constitution.

While some exception to these rights is understandable and appropriate, such reservations are not absolute. The Bill gives absolute authority to the state to infringe upon important fundamental rights. Nepal Special Service Bill provides unrestricted rights to the state to collect information through supervision and interception of communication of any individual or institution. It is alarming that Nepal

has purchased surveillance equipments from abroad aiming at suppressing privacy rights and freedom of expression.

Nepal has experienced some major backslide in the area of privacy protection. Similarly, the leaders of the investigating authority in the past misused their power and position to harass the individuals, institutions and the targeted members of the government through surveillance. In 2016, one notorious instance was recorded of the then Chief of Commission on the Investigation of Abuse of Authority (CIAA) Lok Man Singh Karki. He was found to have tapped the phones of numerous high profile politicians, businessmen, journalists, lawyers and civil society activists without legal permission. The intention in the Bill seems to misuse information for illegal benefits, rather than for investigative or security purposes.

It is worthwhile here to mention a case filed at the Supreme Court in 2012 against Nepal Police for retrieving SMS and phone-call records of over 500,000 individuals during the investigation into the murder of Supreme Court Justice Rana Bahadur Bam. Various newspaper reports noted that police personnel went beyond the scope of the murder investigation. It must be celebrated that the Supreme Court in the case of Tara Nath Dahal vs the Government of Nepal (2016) had issued an order to mandatorily take the permission from the District Court if the phone surveillance is sought in course of investigation. The bench of Chief Justice Kalyan Shrestha and Judge Debendra Gopal Shrestha issued the writ of

mandamus and said it was illegal to gather mass data of innocent public.

The judgment also mandates to prevent the dissemination of information in an illegal manner and to hold responsible those involved. The case was filed in response to the unauthorized collection of mass data.

Contrary to the verdict, Clause 10(2) (1) of Nepal Special Service Bill states that the concerned agency is required to merely take permission from Chief Investigation Director, not the judiciary. The bill fails to adhere to the decision of the Supreme Court. It undermines the role of an independent judiciary to grant the permission in such cases for a fair and just decision making process. It is against the norm of check and balance.

Flawed provisions

Nepal Special Service Bill has several flaws. First, it is against the spirit of the constitution. Besides, it is inconsistent with Privacy Act (2018) which allows every person the right to keep the personal data or details related to him or her confidential and states that while collecting personal or family data of any person, his or her consent shall be obtained. The Bill under consideration gives unrestricted authority to access and subsequently monitor and intercept anyone's data without the person's knowledge.

Second, the Bill is contradictory to the principle of separation of powers and checks and balances. It is imperative for the intelligence authorities to take the permission of the judiciary before conducting surveillance on the individual. The intelligence authorities are more likely to interpret the terminologies like "national security or suspiciousness" as per their convenience to monitor the people who are critical of the government. Journalists, You Tuber and bloggers may be arrested or harassed.

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The independent bodies are crucial for cross checking the invasion. They are crucial for promoting principle of check and balance.

In the US, for example, intelligence agencies are required to take approval from the Foreign Intelligence Surveillance Court before intercepting or monitoring phone details. Intelligence agencies are answerable and accountable to an independent judiciary.

Third, Special Service Bill poses a threat to journalism. Cases of privacy infringement are often hidden from public eyes. Some are hardly investigated, and most silenced after public pressure. In view of the past events, the future of privacy right and freedom of expression seems vulnerable to infringement and unauthorized access. If the state authorities are given power to retain data records from service providers or intermediaries, it will expose journalists to secret state surveillance exposing to the risk of sources protection. Needless to say, confidentiality of news sources is inviolable. Any intervention to journalistic sources must be treated with serious caution. Necessary legal safeguards must be put in place to prevent the authorities from abusing such special rights.

However, there are certain circumstances where a journalist must disclose their sources, for instance in highly sensitive cases. In such condition, the order to reveal such sources should be granted solely to judiciary, with careful consideration of all the interests involved. Canada introduced the Journalist Source Protection Act 2017 to amend the Canada Evidence Act so that confidentiality of journalistic sources would be protected.

If the Bill is authenticated in current format, there is no doubt that the self censorship among the journalists and their sources will prevail.

What next?

Surveillance as a central part of investigation procedure and reasonable access must be

granted to maintain national security. But, it is unfortunate that Nepal does not have a law that directs submission of collected data before the courts with proper monitoring or to keep such data within the frontier of investigation. Similarly, the proposed Bill does not define the boundaries within which the agencies should limit their conduct, which raises the possibility of data misuse. Likewise, the lack of such standards will also intensify the likelihood of mishandling state's surveillance equipments. In this context, we propose following recommendations for amendment.

One, the Bill should repeal Clause 10(2) wherein the intelligence agencies can directly monitor or intercept calls and conversations by merely getting approval from the department head. The Bill should incorporate a separate section authorizing district court to order or approve the search warrant to intelligence agencies. The court should only issue search warrant when and if convinced that there is no alternative medium by which the desired information can be reasonably obtained.

Two, a new provision that states 'permission to intercept the conversations to be granted only when it is deemed required' should be added. The court should not be obligated to give the permission in every case submitted before it.

Finally, a separate complaint clause should be added. If the concerned party has reasons to believe that their data is or/and can be misused, they should be given right to complain about such act. This provision will address the issue of unnecessary/illegal/unethical invasion over the public's privacy. Thus, a complaint clause is a must to hold the agencies accountable as well as prevent infringement on the right to privacy and freedom of expression and media freedom.

Dahal is Executive Chief and Raut Legal Officer at Freedom Forum

(Source: <https://myrepublica.nagariknetwork.com/news/why-special-service-bill-should-be-amended/>)

MARCH 25, 2020 BY MCINTOSH.TOBY

Governments Delaying Access to Information Because of Pandemic

By Toby McIntosh

Access to government information is becoming a coronavirus casualty in some countries. Governments around the world, some which have sent workers home, are announcing interruptions in responding to requests. One of the harshest restrictions is in Brazil.

The president by “medida provisória” decree (Portuguese) said government officials are not obliged to answer any freedom of information (FOI) requests during the outbreak of COVID-19 if the official needs be at the office to access the piece of information requested.

More than 70 civil society organizations in Brazil put together a public statement asking parliament and/or the federal government to repeal the decree.

They also protested that although the decree (Art. 6-B) aims to prioritize responses to requests related to the pandemic, it does not specify how this would happen, if the response time would be shorter and what are the criteria for this prioritization. The March 24 statement includes a variety of other objections, concluding that the decree is violates the constitutional right of access to information of collective interest.

In Serbia, the state of emergency doesn’t officially modify access to information, but with civil servants out of their offices, the system’s functioning is limited. A request from Transparency Serbia challenging an official statement that the number of ventilators/respirators in medical facilities is a “state secret,” has not been answered.

Countries Delay Response Times

Journalists and others writing in to ask for information are being told to expect delays.

Perhaps the most pro-transparency response came in New Zealand, where the ombudsman cautioned that circumstances would be challenging and urged cooperation. He suggested prioritization of requests concerning public health. Complementing this message, Minister of Justice Andrew Little tweeted, “The Official Information Act remains

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important for holding power to account during this extraordinary time.”

That approach, was the exception. Many countries have issued statements warning of delays.

This article includes information on Australia, Brazil, Canada, El Salvador, India, Italy, Hong Kong, Mexico, New Zealand, Romania, Serbia, the United Kingdom and the United States.

In Mexico, the National Institute of Transparency (INAI) decided to suspend the deadlines from March 23 to April 17, according to El Universal (Spanish).

In Romania, the state of emergency presidential decree includes a provision extending the time period for responding to freedom of information requests from 10 days to 20 days. Responses to journalists are supposed to be handled in a day, which would now be two days, but an expert on the system noted that legal timeframes were often ignored.

The Italian government said that from March 8 to May 31 action on requests that are “not urgent and cannot be postponed” is suspended. With information officers working remotely, without access to physical documents, the likelihood of replies is diminished. The

government doesn’t specify whether COVID-related requests fall under the “urgent” category.

Agency Reaction Varies in US

In the United States, some agencies are curtailing FOI operations. Some made their announcements during the annual Sunshine Week celebrating transparency.

The Federal Bureau of Investigation, citing COVID-19, told requesters that it would no longer accept emailed requests and sent its FOI processing staff home. Buzzfeed News’ Jason Leopold wrote about this development, and others, around the government.

Unlike the FBI, however, most agencies said they now prefer email requests.

Some agencies don’t expect delays, according to a log of US restrictions at a dozen agencies being kept by the Reporters Committee for the Freedom of the Press. But some do. The Interior Department said answers “will very likely be delayed.” State Department operations are “suspended.”

The US Congressional Research Service prepared a chart of 13 agencies’ statements regarding COVID-19’s impact on FOIA request processing, with some notes on their policies on requests for expedited handling.

US Groups Urge Transparency

More than 130 US freedom of expression groups signed a statement addressing the importance of government transparency during the COVID-19 pandemic. Delays are also occurring at the state and local levels.

“During a public health crisis, transparency is especially important to ensure the availability of information about the government’s response to the crisis,” according to the Reporters Committee for Freedom of the Press, which covered FOI, open meetings and other topics in a position paper, *Press Freedom and government transparency during COVID-19*.

“Federal agencies should liberally grant expedited processing of FOIA requests related to COVID-19 from members of the news media under the statutory definition of compelling need.” the group said, also urging proactive disclosure.

Transparency International’s US Secretariat sent 25 anti-corruption measures to Congress. Included among many disclosure suggestions is, “Extend Freedom of Information Act and Privacy Act (FOIA/PA) obligations and requirements to private-sector companies that receive federal contracts.”

Delays Expected in Many Countries

In some countries, agencies have warned of delays, without specifically lengthening deadlines.

Requests in Canada are being placed “on hold for the time being,” according to a response sent to requester Ken Rubin.

The UK Information Commissioners Office noted a week ago that some responses would be delayed and that it will be lenient with government agencies. It later advised that requests sent by mail are not being reviewed, urging contact online or by phone.

The Australian Information Commissioner posted, “We also acknowledge that the impact of the coronavirus may affect the ability of agencies to meet statutory timeframes for processing freedom of information requests. We recommend agencies consider a range of measures to help meet these obligations.” A

The Hong Kong Office of Ombudsman, which handles appeals of the FOI law, announced “the Office will only provide basic and limited service.”

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In India, the Central Information Commission said it would handle appeals based on written submissions of parties while the country is in lockdown mode, The Deccan Herald reported. “Hearing will be limited to urgent matters through video and audio conference....,” the appellate body said, “Personal appearance of parties or their representatives is dispensed with.” The CIC also said it plans to explore “intensive use of technology of tools.”

In El Salvador, Congress passed a decree suspending the majority of judicial and administrative procedures, probably affecting the work of the Salvadoran Access to Information Agency.

New Zealand, Canadian Officials Stress Normalcy

The New Zealand ombudsman issued a statement urging requesters to be understanding and agencies to continue to make their best efforts to provide answers. “I don’t want to place any unnecessary burden on agencies or ministers but at the same time, big decisions are being made in the wake of the global outbreak and they must be in a position to respond to requests from the media and others for information about those issues as soon as possible,” wrote Chief Ombudsman Peter Boshier.

“There may be a need for even greater transparency when a decision involves public health and safety or those that affect someone’s financial circumstances, housing situation or family circumstances. I have told my staff to give these kinds of complaint priority,” he also said.

Complementing this message, the Minister of Justice Andrew Little tweeted, “The Official Information Act remains important for holding power to account during this extraordinary time.”

Canada’s information commissioner Caroline Maynard stressed that government officials, even while working from home “must ensure that they and their officials generate, capture, and keep track of records that document decisions and actions, and that information is being properly managed at all times.”

UN Special Rapporteur, Others, Back Transparency

The UN Special Rapporteur on freedom of expression and colleagues issued a statement March 19 urging disclosure of information, internet access and protection journalists. It said in part:

First, it is essential that governments provide truthful information about the nature of the threat posed by the coronavirus. Governments everywhere are obligated under human rights law to provide reliable information in accessible formats to all, with particular focus on ensuring access to information by those with limited internet access or where disability makes access challenging.

Human Rights Watch said, “Governments are responsible for providing information necessary for the protection and promotion of rights, including the right to health.” It covered this and other topics in Human Rights Dimensions of COVID-19 Response.

Transparency International expressed concern about the prospects for more corruption, stating, “It is essential that transparency, openness and integrity are maintained and extended across the health sector.”

(Source: <https://eyeonglobaltransparency.net/2020/03/25/governments-delaying-access-to-information-because-of-pandemic/>

Actions on local level planning process

Different activities regarding action research on the Socio-economic Impacts of Citizen-State Engagement- Phase II was conducted by Freedom Forum (FF) in Bagmati Rural Municipality, Dhangadi Sub-Metropolitan City and Amargadi Municipality in February and March 2020.

It was undertaken by FF as part of the 'Sustainable Use of Technology for Public Sector Accountability in Nepal (SUSASAN)' – a project implemented in 12 local governments of Nepal with funding from Global affairs Canada (GAC). Centre for International Studies and Cooperation (CECI) is implementing the project in partnership with FF, Young Innovation, and Centre for Law and Democracy, along with six district-based civil society organizations.

The second round of action research (phase II) focused specially on citizen participation in implementation of existing annual local plans pertaining to WMGs. A total of six FGDs were conducted, i.e. two in each local government- Bagmati Rural Municipality, Dhangadi Sub-Metropolitan City and Amargadi Municipality. Each FGD involved around seven participants from selected user's committees. A user committee is a core group of 7 to 11 members group formed from the users/beneficiary of a local development works related to drinking water, road infrastructure, water supply and irrigation. These user's committees were randomly selected from the list of user's committee which have already signed agreements with local governments and implementing the developments works. The FGDs mainly focused on user committee experience of engagement in the implementation of local development works, their understanding of the importance of their engagement, their capacity building needs and their ideas for improving engagement. The FGDs also sought citizens' perspectives on different measures to be taken by local governments to promote citizen engagement local projects implementation. Altogether 46 local CSO representatives (28 WMGs) from three local governments participated in the FGD.

A total of 11 office bearers and other stakeholders were interviewed to collect information about the government's approach

regarding local project implementation processes. These KII respondents represent a range of officials such as the local government deputy chiefs, ward chairperson, planning officer, ward secretary, CSO chairperson and local researcher. The subject area covered in the KIIs was similar to that outlined for the FDGs, albeit the approach to these issues was from a slightly different perspective.

Two orientation sessions were conducted on the local development plan, budget, prioritization local projects and role of elected ward members in planning and implementation in Bagmati and Dhangadhi. Altogether 40 ward committee members (mostly women and Dalits) participated in the orientation sessions. Their participation was aimed at making them able to play a more effective role in designing WMG specific programs and projects.

Two mock planning sessions were conducted in two selected local governments (Bagmati and Dhanagadhi). These mock planning sessions were attended by CSO members, ward representative and ward committee chairperson. For this purpose, one ward from each of the two local governments were taken as sample wards. Ward No 3 of Bagmati Rural Municipality and Ward No 13 of Dhangadhi Sub-Metropolitan City were taken as the sample wards.

To conduct mock session, a detailed guideline was developed incorporating learning from other similar programs and projects. It was shared with district implementing partner of SUSASAN project so that it could be used as a reference material for the implementing partner NGOs to conduct similar sessions in other project at local government.

The steps of mock planning session are settlement meeting, listing of settlement level needs, segregation of needs into five different thematic areas (Economic, Social, Physical infrastructure, Environment and Disaster Preparedness and Governance and Institutional Development), prioritization of those plans based on criteria given on 'local budget and planning guideline' procedure prepared by the National Planning Commission, budget ceiling for each thematic area, selection of projects/ plan as per budget, preparation of action plan of selected projects/plans and presentation of action plan.

How govt harasses journalists in the name of 'cybercrime'

Freedom Forum is pleased to share that journalist Tanka Bahadur Sunar was innocent by Jhapa District Court who was falsely charged on the case of 'Defamation'. FF had been supporting journalist Sunar with legal aid to help prove his innocence. On 21 January 2020, the Jhapa District Court dismissed the case and released Sunar of the false allegations.

Two journalists Tanka Bahadur Sunwar and Bimal Bhattacharai associated with www.darpanpost.com had been falsely accused of committing defamation by publishing news through their online news portal. The chairperson of Haldi Bari Rural Municipality of Jhapa, Rabindra Prasad Lingdel, had filed a case against the duo on 21 April 2019. They have been working as Editor-in-chief and Managing director of www.darpanpost.com respectively.

After the case was brought to FF's attention, it was found that the said defamatory news was in fact published through another news portal with relatively similar name newsdarpantv@darpanpost.com. FF's assessments lead to the conclusion that the journalists had neither involved in the matter nor was there the aforementioned online newspaper. FF also found recklessness in the part of investigating body which lodged a complaint against journalists who had nothing to do with the news and its publication.

Immediately after the fact was brought into FF's attention, it issued a press release in its website, showing severe concern on the misconduct of the plaintiff and investigating authorities. They were also suggested for right step to move forward. Such false allegation caused unnecessary tension, the legal and economic burden on innocent journalists.

After announcing the innocence of the defendants, the court dismissed the case altogether. Since the defendants are based in Butwal, a city in the western belt of Nepal, and the case was running in Jhapa, the eastern most district, FF helped him with transportation and accommodation expenses as well. Additionally, FF appointed legal experts including a senior advocate and a general attorney for legal representation in the court. All the legal fees and costs were covered until the final decision. <http://freedomforum.org.np/wp-content/uploads/2020/01/tanka.jpg>

REFLECTION ON POLICY WATCH

Continuous Engagement in Media Policy Reform

Freedom Forum has been working for media policy reform in the federal and provincial levels with the objective of improved legal and policy framework based on international standards so as to create an enabling environment for media freedom in Nepal.

The need for forming, reforming and effectively implementing laws and policies has become more pronounced in the changed context of the federal structure of the state. FF has been advocating and lobbying with policy makers by organizing events, dialogues, discussions with stakeholders and submitting reviewed documents and policy briefs to ministries, parliamentarians and concerned agencies.

FF has talked thoroughly with the members of the Federal Parliament (National Assembly and House of Representatives) along with parliamentary committees of both the Houses relating to media and information. It engaged with the members of the Provincial Assemblies. In regard to policy updates and providing feedback to the draft bills, the FF lobby was mainly with the Ministry of Communications and Information Technology, and Ministry of Law, Justice and Parliamentary Affairs at

the federal level and the Ministry of Internal Affairs and Law and the Office of the Chief Ministers of different provinces.

Besides engaging the policy makers at the federal and provincial levels, FF has been collaborating with different civil society organizations (CSOs) on different thematic areas such as Right to Information (RTI) and Freedom of Expression (FOE). It has collaborated with Center for Rule of Law, Internet Society of Nepal, Nepal Independent Filmmakers Society, Karnali Foundation and other CSOs, partner organizations and provincial governments and their parliamentary committees.

Recognizing the FF expertise, its officials have been invited as experts in the parliamentary/provincial assembly committees' meetings in regard to Information Technology Bill, Media Council Bill, Advertisement Bill at the federal level and Radio TV Broadcasting and RTI Bill at provincial level. Depending on the issue and availability of international expert, the FF has also organized interactions on various media policies and bills with lawmakers and stakeholders.

"The elected representatives at the federal and provincial levels have increasingly been inviting us as experts in the fields of freedom of expression and media. It has not only encouraged us

to advance our policy advocacy, but also contributed to amending the drafts of policies and laws," said Sanjeeb Ghimire, Program Manager at FF. Appreciating FF contribution to FoE and media policies, Ex-Chairperson of High-level Committee for Implementing National Mass Communication Policy, Mr Kashi Raj Dahal, requested the FF to review the drafts of related policies and laws before the parliament passes the bills.

Similarly, receiving the review document of Bill of Province 5, Chief Minister Shankar Pokharel thanked the FF and assured to include the recommendations of the FF while finalizing the bill. "Thank you for your contribution which had to be done by the team of experts of the provincial government. We will include your recommendations in the bill," said Minister Pokharel.

With FF's untiring advocacy, changes were realized in the Criminal Code Bill and Advertisement Bill that taskforce was formed to review those bills. Similarly, the provisions on heavy amount of fine and punishment to and skill examination of journalists have been revoked by the parliament. 

Continued from Page 1

The Shiran Technologies Pvt. Ltd, on April 1, secretly removed the content- 'a story about the corruption on purchase of medical equipment involving the sons of Prime Minister's Chief Advisor and of Deputy Prime Minister.'

Importantly, the technological company is linked to Asgari Ali, the person who is IT expert to the Prime Minister.

The www.kathmandupress.com had posted the story on Tuesday evening and it was removed on Wednesday (April 1).

Editor-in-Chief of the news portal, www.kathmandupress.com Mr Kosmos Biswokarma wrote in Twitter, "The news story was removed illegally from the website on Wednesday and

the media was investigating into the illegal hacking of the portal." Moreover, the news portal was suspended for one and half hour. He has further shared the information the staffs from the software company repeatedly urged the editors to remove the news.

It is shocking incident, possibly the first of its kind- attack on free press with technology. Erasing news content from websites' backend and suspending news portal is gross violation of press freedom. It is a wakeup call to entire Nepali media and FoE advocates that Nepal's media is under huge technological surveillance.

If those mentioned in the news story were dissatisfied with the news content, they could take legal recourse- going to Press Council. Rather,

such egregious measure to erase news content is deplorable.

Of late, news reports are rife that commission and corruption involving high level people are taking toll with the country purchasing medical equipments, test kits and safety accessories to cope with COVID-19 in Nepal.

FF stands the surveillance posed by those near the executive power of the country is disastrous to Nepali press. It unfolds escalating technological surveillance on Nepali media. Such blatant attack on freedom of expression and information, and data privacy is a strong reminder of coordinated and systematic cyber crimes to root out media and healthy criticism. Time has come to work in unison for protection and promotion of FoE for democracy. 

MIXED EXPERIENCE OF FF STAFFS

Lockdown and Work from Home

As Nepal enforced nationwide lockdown to contain coronavirus pandemic in the country since March 24, FF had no option but to work from home. Having no other effective measure than staying at home to stay away from the deadly virus, some of the FF staffs have shared their experiences ranging from gender equality in true sense to need of augmenting technological use.

Dikchya Raut

Practicing work from home for the first time in my professional life has a unique experience in deed. I would describe it as a combination of bizarre yet exciting time for the working professionals like me. While sitting in the comfort of one's home and being able to perform the office duties which otherwise would have sound impractical seems like a day to day activity now. Modern technology and human adoption and adaptation to it have proven to be fruitful for the human kind. Using platforms like Slack, Zoom, Skype and Google sites has made my job much easier. Social media handles are also immensely helpful. Having said that, being a legal officer my work mainly requires me to work with lawyers and judges in the courts, sadly due to the closure of judicial institution, my primary responsibility is widely being hampered. However, looking towards the health hazards nationwide and across the globe, I feel secured and safe with my loved ones within the boundary of my home. I hope the good days are not far.

Subash Dahal

As the COVID-19 menace emerged in Nepal, the government enforced the nationwide lockdown. Being a professional and having past experience of working from residence, initial thought was of relief as the previous works. But, as the days at home counted from one week to another, boredom started to creep in. Less working hours became a norm and gaze of date and time started to fade as those didn't entail any meaning in current scenario. Although working each day right from morning after undergoing e-portal news, the second half of afternoon would be the terminus of focus and effec-

tiveness. Deprived of outside movement and engagement really brought the feeling of being in confinement which was never there in the previous attempt. Anyway, work as practical has been continued with the hope of disappearance of such global deadlock. I also suggest others to promote positive thoughts to cope up crisis.

Bhawana Poddar

I feel glad that our office prioritised our health and decided for work from home. This was much needed as our mental stability is more essential than anything. While working from home in the initial days, it was an odd experience as I used to get distracted while working. After some time, I am enjoying work like this. But, I miss my colleagues with whom I could share my problems and take ideas if needed.

Moreover, conducting meeting adopting new technological tools is somehow a new experience for me. I think this crisis must have brought unique experience to all of my colleagues and the professionals from other fields too.

Deepa Adhikari

At this time of crisis, I think running office activities at home with limited resources is challenging and would also even take time than usual to accomplish assignment. I find it difficult sometime to concentrate on work as no one else is into the office work within my family members. However, if I have to talk on positive aspect then I think this giving me opportunity to excel my skills to perform well despite limited resources. Meanwhile, sometime I get worried about how future life will be after this ends.

Bobbish Dhakal

For me, the work from home has both good and bad experience- anxiety on the one hand and responsibility on the other. However, I've tried my best to balance my office work and family works. I think lockdown will gradually teach us skills to work from home.

Shanti Chaulagain

I found the practice of work from home very different. Working from home for ladies like me is somehow distracting as I involve mostly in household works while being at home. But to avoid from Covid-19, we've no option but

to work from home to remain safe. Anyway, personal and family safety and works are taken together. As we FF staffs are in constant contact, exchange of experience is going on.

Aruna Adhikari

An unimaginable crisis caused by COVID-19 made Nepal to enforce lockdown as other countries did. It left me with growing anxiety regarding health of my beloved ones at home and office as well as my office responsibilities on finance.

As every challenge brings some opportunities with it, I was lucky to be a part of an awesome team which collaborated perfectly to accomplish some really important tasks from home, which might have remarkable contribution towards achieving objective of our organization. Though timely availability of resources sometimes proved to be some hindrances, it was felt that we need to achieve a lot towards digitization of our working process and use of latest technologies. Further, while discharging dual responsibility of a home manager as well as of profession women, we still need to travel miles to achieve gender equality in its true sense.

Nanu Maiya Khadka

As soon as my maternity leave was over nationwide lockdown was enforced to contain the spread of Coronavirus in the country. Because most of our works can be done online, our office called all its staff to be connected through an online application and work from home. I get most of the updates on project activities through the App and I do update my activities there too. As a Gender Monitoring Officer, in addition to collecting and testing the data collected from the monitors, I communicate with the monitors online and through calls for any queries. I have been using social media sites to communicate with the monitors and my colleagues too. Despite slow internet connection, uninterrupted service has been very useful for me to work from home at any convenient time.

Hence, it has been good time to work from home as a mother of new born. However, it is not possible to work continuously for long time. It is good for I'm always together with my baby, and bad that pandemic is likely to flare up across the globe creating a kind of fear. However, I think balancing life at this juncture is good management skill. We need to keep everything in balance.

Women and the media

By Narayan Ghimire

While newsrooms have come a long way, they must do more to become truly inclusive. Among various issues of advocacy, women empowerment and participation in myriad sectors is one of the significant agendas the Nepali media has been forwarding. But while that effort is commendable, it is important to analyse how inclusive and women-friendly the media sector is. Weaker sex, incompetence and social construct—these are some of the answers we hear often to a question as to why there are fewer women in the media. To this question, women often express non-co-operation from colleagues, discrimination and belittling to be the reasons. Gender inequality in the media is not new at all. Over the years, more women are doing journalism, too. Yet, most of them remain invisible.

In a question whether the visibility of women in news byline and news source counts for women empowerment, the chief executive at Freedom Forum, Taranath Dahal, asserts, 'Of course, the change realised at media houses is noteworthy. From maintaining discipline among colleagues to respecting women's sensitivity, the Freedom Forum's continued advocacy for a better work atmosphere for women journalists augmented women journalists' visibility, creating their space for in-house policy interference'.

The Freedom Forum, after rigorously monitoring the news content of major dailies, a few online portals and 21 dailies representing each province for 3 months, noticed that there had been an increase in women bylines. More women were being quoted as news sources too. Media houses where there were no women bylines in 2016 had increased this to seven female bylines. This is important for women's realities to be covered and their voices heard. Similarly, many media houses have made it a point to include at least one opinion article by a female writer.

Of course, one is free to argue that mere advocacy by an organisation does not suffice for change in the culture surrounding journalism. Changes can never be brought by standalone efforts. Endeavours must be sustained, and collectively enshrined. Having more women in the newsroom will help highlight social issues more. Increased reporting of social issues not only shakes up media content but also creates pressure on political fronts. It also forces their male colleagues to change their perspective towards them.

While the media has come a long way, there are still many changes it needs to make to make the newsrooms more inclusive. For this, effective retention policy, employment and mobilisation of female journalists cannot be overstated. Often-times, in the absence of women reporters, gen-

der-related issues tend to be overlooked. While it is important to maintain objectivity while reporting, most men can only sympathise with women's issues. But if there is a female reporter, she can sympathise as well as empathise regarding certain issues. This added sensitivity brings about fresh perspectives and sheds new light on storytelling. For example, when women report about issues pertaining to say, reproduction or abortion, their approach to storytelling will be much different than their male colleagues. This is because these issues impact them too. Yet, having said that, women don't necessarily have to report on issues that affect them.

Making newsrooms exclusive is an on-going process. Inclusive and dynamic media houses better serve the pluralistic values of society where all sides of a story are presented. Needless to say, gender balance is integral to inclusion. Once the voice of the voiceless becomes heard and environments previously dominated by men start having as many women employees, only then can we say the society is changing for the better. The media often reports stories about inequality. But it must acknowledge that the sector has been patriarchal, too. Representing women equally in journalism is a desirable goal that all newsrooms must strive towards.

(Source: <https://kathmandupost.com/columns/2020/03/23/women-and-the-media>)

'Changes within must for effective review of audit recommendation implementation'

Not only the act of follow up on the implementation of recommendations but there is essential need on policy and regulation changes for effective follow up within the policy of the Office of Auditor General and Government," said Mr. Ramu Prasad Dotel, Deputy Auditor General. Speaking in discussion organized by Freedom Forum on its ongoing Audit Accountability Initiative Project, Mr. Dotel emphasized on internal changes and upgrade within the organisation along with civil society advocacy on audit accountability.

Deputy AG further said audit is of no use if the follow up mechanism on recommendation

doesn't exist. Reactive follow up won't be as effective it needs to be therefore a proactive follow up will be better one, he stressed, reminding the need of changes in internal policy of 3- years cutoff time for the recommendation follow-up as it exists today.

Speaking on the discussion FF Executive Chief Mr. Taranath Dahal highlighted the existing issues on users' group work and reality of recommendations of the Performance Audit. Mr. Dahal said, "Though there seems to be some progress on recommendations, reality is far from it. The existing cases of mismanagement, dearth of fine and penalty for extension and delay, lack of quality assurance and no evidence of quality test are still prevailing." Mr. Dahal also highlighted the issues on audit, completion timeframe, division of works

for legal criteria along with fundamental flaws on formation of groups itself. There is greater need of CSOs and SAI to work in unison from beginning for the effective execution of recommendations. CSO's participation on discussion on drafts of bills and other policies will play a pivotal role on highlighting the ground reality and the necessity of such bills. OAG Nepal and CSOs should work together so that the accountability advocacy results in success. On closing, Mr. Dotel thanked FF for organizing the discussion and informed that future collaboration on audit accountability will go on. The event was held at New Baneshwor, Kathmandu, on 18 February 2020 with the participants from OAG Nepal and FF.

Fugitive Khadka held on Dekendra Thapa's Murder Case

Freedom Forum welcomes the arrest of the main accused Bam Bahadur Khadka in the case of journalist Dekhendra Raj Thapa. Among four accused of involving in the murder, fugitive Bam Bahadur Khadka, a resident of Cheudipusakot, Dullu Municipality Ward-6 from Dailekh district was finally taken into custody. This order was given by the District Court after the District Police Office Dailekh brought Khadka before the court on 3 March 2020. Dailekh lies in Karnali Province.

According to FF's sources, Chief of District Police Office, Deputy Superintendent of Police Hari Bahadur Oli said, Khadka was arrested from Kailali district and brought to Dailekh district. Local reporter to the Radio Nepal, journalist Thapa was abducted and subsequently killed by the cadres of then Communist Party of Nepal (Maoist) on 10 August 2004. He was abducted from Chhanna Bazar of then Bhawani Village Development Committee on June 4, 2004.

Dekendra's wife, Laxmi had filed an FIR in the District Police Office against several Maoist cadres on August 29, 2008.

Freedom Forum had continuously made follow up stories and updates on it. It was deplorable that the Maoist government led by party leader Baburam Bhattarai later made several ill attempts to avoid actions against those arrested for their involvement in journalist Thapa's murder. Since 2008, FF continued the end impunity campaign against the crimes against journalists in various forms, thereby prodding political leaderships, lawmakers, police administrations and judiciary so that they could work for ending impunity, catering justices to families of the slain journalists.

"Ignorance on this issue for long time had cultivated the trend of immunity on the crimes against journalists; it is commendable that it is finally addressed. The arrest of the accused will certainly encourage journalists to be devoted in

Impunity Watch



their profession and revive their trust in safe and secure journalistic environment", said Taranath Dahal, Chairperson of the Freedom Forum, adding that it was a welcome move after long battle waged by victim's family and the media persons of the country. Freedom Forum therefore urges the court to hold fair trial in the administration of justice in the future as well. 

Journo Sah's Murder-Accused arrested after 12 Years

Freedom Forum welcomes the arrest of journalist Birendra Sah's murder convict after 12 years of the incident. Nepal Police arrested the convict Narendra Kumar Faujdar (Kundan) from his own residence at Baragadhi Rural Municipality, Bara on March 7, 2020. Bara district is situated in Province 2 of Nepal.

Convict Faujdar was arrested acting on special investigation and tip-off provided to the police through confidential sources, informed FF's representative Rajan Singh quoting Superintendent of Police Krishna Pangeni. Journalist Birendra Saha was a reporter with Avenues TV, Dristi weekly and Nepal FM. He was first abducted by the cadres of the then rebel Communist Party of Nepal (Maoist) on October 5, 2007 from Pipara of Bara district. Later, journalist Sah was found dead at then Dumarwana

Village Development Committee, Ward No 7 of the same district after a month of abduction on November 8, 2007.

According to the sources of his family and security personnel involved in the investigation, five persons including Hareram Patel, Lal Bahadur Chaudhary, Kundan Phaujdar, Ram Ekwal Sahani and Myanejar Giri were declared murder convict in the incident. Two of the convicts – Ram Ekwal Sahani and Myanejar Giri – were sentenced with life imprisonment by the District Court Bara. Even following the arrest of Faujdar remaining two are still absconding. The case is sub-judice at the Supreme Court.

Freedom Forum thanks and applauds the success of Nepal Police in arresting the murder convict in another case of impunity for crime against journalist following a recent case where-



in one of the prime accused behind journalist Dekendra Thapa's murder was arrested on March 3, 2020. Hence, FF urges the concerned prosecuting authorities to continue their investigation, end other pending cases too, and ensure justice to the victims' families bringing perpetrators to book.

Data-based advocacy for inclusive media

By Nanumaiya Khadka

Sustainable Development Goal 5 states 'women and girls should be empowered and provided equal access to the fundamental rights as to their male counterparts to achieve gender equality.' Even though gender is about both sexes, women are still found lagging behind men in most of the sectors. In Nepal too, women occupy major part of the population according to the Census 2011.

To overcome this gender gap, awareness and sensitization at public level is most important and the most effective means of communication bridging government strategies and the public. In this, media plays significant role in sharing specific needs to be addressed at all levels to attain gender equality. Together with this, it is equally imperative that media itself practices gender equality.

Realizing the need of effective practice of gender equality by the media houses, Freedom Forum launched an initiative to monitoring media contents through gender perspectives and accelerating debate and discussion on it since 2016. The program was supported by Free Press Unlimited, an Amsterdam based institution working for freedom of expression and information around the world. As per methodology, national news stories published on the first and second pages of nine national dailies, main news from six online news portals and 21 daily papers from seven province are scanned for gender inclusion on byline, quoted sources and portrayal of women in those stories. In the selected national dailies, articles published on the op-ed pages are also monitored for their author.

Looking into three years data, FF recorded underrepresentation of women as compared to men in the news contents both in byline and as sources. However, the data showed gradual improvement, which must be lauded.

On 2017, FF recorded 9% of the news contents monitored with female byline against 91% men which remained same in 2018,



which (female byline) increased to 13% in 2019. Similarly, from online portals' news contents, FF recorded 11% bylines of female in 2018 and 17% in 2019.

Monitoring of contents from online news portals began from 2018. However, monitoring revealed very rare fluctuation in the percentage of women as authors on the articles published by nine national dailies. On average, percentage of articles by female authors comprises 22% with remaining 78% by male authors.

Furthermore, the study has also revealed that women's voices are very less heard in the major news contents as compared to men. Their proportion as news sources also shows gradual increase from 10% to 13% in the broadsheets' news contents scanned from 2017 to 2019. Likewise, news from online media also show their increased participation from 11% (2018) to 12% (2019).

In the meantime, most of the news contents monitored are about politics and government followed by social issues. Those about politics are dominantly found to be reported by male journalists while female journalists' dominance

is found in news about social issues. Unlike this, more women are quoted as source in business news scanned from online news portals.

In both print and online media, less than 40% news stories about women are presented in the challenging role. Most of the stories portray women in submissive roles such as housewives, victims, etc while men are presented as experts and head of the family.

With nation's transition into federalism, it is imperative that number of media outlets in the provinces is on the rise. Also, with reference to the data recorded from national media outlets, FF realized that advocacy at local level is much needed for the change at national level. Hence, we expanded its content monitoring at province level with selected 21 dailies, three from each of the seven provinces by seven monitors. Province monitors collected data of news byline, quoted sources and their relation with news headlines from main news contents of the newspapers.

According to the data, province media contents showed decreasing females representation from 2018 to 2019. Their presence as reporters decreased by 5% while as source their representation declined by 2% from 2018 to 2019. Also, majority of the province dailies are found to publish business and social news on their first pages and maximum inclusion of women as reporter and source is found in those news as well. Additionally, those dailies are found to publish least number of stories about women on their front pages and those published too, present women in a submissive role.

FF has believed that its monitoring of news contents in Nepali media and the data-analysed reports would encourage editors and media houses to increase women's presence and materialize the concept of inclusion media. The data-based report would also work as a strong advocacy tool for further works on women empowerment in Nepal. 

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 Bhattacharai - SUSASAN, Sanjeeb Ghimire - EEMIR, Bhawana Poddar - EEMIR, Bobbish Dhakal - EEMIR, Sulav Timilsina / Subodh Dhungana - EEMIR, Dikchy Raut - CACFRIM, Deepa Adhikari - CACFRIM, Shanti Chaulagain - CACFRIM, Subash Dahal - DAA		
Ongoing Project Information	Project Name Enable Environment for Media Law Reforms and Improved RTI Practice (EEMIR) (CS-MAP) "Contributing to the atmosphere favourable to Improved FoE and Information Regime (CAFIFIR)- in Nepal" For 2020 Sustainable use of Technology for Public Sector Accountability in Nepal (SUSASAN) Freedom of Expression Training for Lawyers and Legal Defense Fund Open Budget Survey 2019 Driving Audit Accountability : Audit Reports for Collective Action to Strengthen Government Responsiveness (DAA)	Supporting Agency FHI 360 Free Press Unlimited (FPU) CECI FPU International Budget Partnership (IBP) IBP	Date of Signing the Contract 30th Dec 2016 19th March 2020 17th April 2017 13th May 2019 18th January 2019 30th September 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. 10,169,363.64 (January to March 2020)		
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 International Forum

Policy Advisor Krishna Sapkota participated in 'Open Budget Survey Advocacy Training' organized by International Budget Partnership (IBP) in Nairobi, Kenya on February 24-29, 2020.

Open budget policies, practices and problems were shared among the participants from different continents. The training further honed the knowledge and skills to augment open budget agenda in the respective countries. 

Freedom of expression challenges associated with COVID-19 outbreak

Misinformation and COVID-19

Misinformation represents a serious challenge in addressing a viral epidemic or other public health crisis. During the COVID-19 outbreak, individuals around the world have struggled to decipher fact from fiction. Some have embraced beliefs or practices that deepen, rather than mitigate, health risks. Governments are right to take the threat of misinformation seriously. They should develop policies to effectively halt the spread of myths and to counter deliberate disinformation campaigns. Misinformation not only disrupts public health efforts; it can lead to the violation of other human rights.

Despite the threat posed by misinformation, any restrictions on the dissemination of supposedly false information must comply with the requirements of legality, legitimacy and necessity and proportionality described above. In assessing these criteria, it should be noted that protections under the right to freedom of expression are not limited to truthful statements or information. Indeed, untruthful statements may enjoy protection under the right to freedom of expression.

In particular, the 2017 Joint Declaration of four freedom of expression rapporteurs provides guidance that is highly relevant to government responses to the COVID-19 outbreak. In the Joint Declaration, the Special Rapporteurs warned that:

[G]eneral prohibitions on the dissemination of information based on vague and ambiguous ideas, including “false news” or “non-objective information”, are incompatible with international standards.

Unfortunately, governments around the world have repeatedly used precisely these types of repressive and overbroad laws to target supposed misinformation concerning COVID-19. ARTICLE 19 has consistently raised concerns about many of these laws; and the vast discretion they afford to authorities to restrict speech, rising to arbitrary application and depriving individuals of the guidance needed to regulate their conduct in accordance with the law.

Additionally, official responses to misinformation that rely heavily on censorship, criminal sanction and custodial sentences raise concerns about the element of proportionality. As described above, some governments — notably China — have embraced widespread censorship of information about COVID-19 without demonstrating that less intrusive methods would be insufficient. Furthermore, many nations have targeted those supposedly spreading misinformation using laws that prescribe severe criminal penalties, including imprisonment. ARTICLE 19 suggests that custodial sentences are only proportionate in relation to the most severe forms of speech-related crimes, such as discriminatory hatred that constitutes incitement to violence.

Additionally, there are strong public policy arguments for refraining from coercive

approaches to countering misinformation in the context of an epidemic or pandemic. It is imperative that individuals feel empowered to raise concerns about the spread of COVID-19 or the response of authorities without fear of punishment if their concerns turn out to be unjustified. The punishment of individuals for unwittingly spreading false information casts a severe chilling effect on communication, impeding the type of information sharing that is needed to quickly identify and respond to a viral outbreak. Heavy-handed approaches to misinformation stifle the type of public reporting that can lead to early detection and effective mitigation efforts.

Unfortunately, beyond merely embracing responses to misinformation that violate international human rights law, some states have also spread disinformation and propaganda themselves. During a public health crisis, government programs and policies are closely scrutinised, and states often have an incentive to control narratives and shape perceptions of the performance of public authorities. The governments of both the United States and China have been accused of misleading characterisations of the spread of COVID-19 and their own policy responses. Others have been accused of covering up the spread of the virus or promoting falsehoods for political gain. State-sponsored misinformation is especially dangerous. It both erodes trust in state authorities and promotes misguided responses by the public and health officials.

(Source: <https://www.article19.org/wp-content/uploads/2020/03/Coronavirus-briefing.pdf>)



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.

