



# Free Expression

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A NEWSLETTER OF FREEDOM FORUM

## Handcuff to Journalist

### Arrest over sharing news on internet

Chief editor and publisher of the Khojtalas weekly and [www.khojtalasnews.com](http://www.khojtalasnews.com), an online news portal, Mr Raju Basnet, was arrested by Metropolitan Police Range upon the direction of District Court Kathmandu on September 10. He was arrested as per the Electronic Transaction Act 2008 over the news story he shared in the weekly and online news portal.

Earlier, on July 29, the police persons took under control editor Basnet for publishing news in the weekly on July 27 and sharing in the news portal about Nepal Communist Party leader's collusion with land mafias to sell the 25 ropani of lands at Harishiddhi Brick Kiln of Lalitpur district in the Kathmandu Valley. The leaders and their aides had pressed the land revenue office for selling the land.

Again, similar news story was published by the Dristi weekly, which was later shared by the Khojtalas weekly and its online portal. The news sharing resulted in the arrest of editor Basnet.

In this connection, the police issued arrest warrant against senior journalist Shambhu Shrestha, editor in chief of the Dristi weekly. The arrest warrant was also issued in line with Electronic Transaction Act, which the police claim as the 'cyber law'.

The arrest warrant was issued after editor Basnet told the police that he shared the news story which was initially published by the Dristi weekly.

Asked about the situation of press freedom in the unfolding atmosphere, editor Shrestha observed, "The State has terrorized the entire press by allowing police to use cyber act against media which is not good."



Journalist Basnet handcuffed by police. (Photo: Nepal Press Union)

More alarming is the case of female media person detained for eight days for sharing a news story in a news portal. It was learnt very late that media person Prapti Sapkota was arrested by the Central Investigation Bureau (CIB) over the news she updated in an online media on August 1 from Kathmandu. CIB took her in detention for eight days. Sapkota is associated with an online media [www.rmkhabar.com](http://www.rmkhabar.com).

Talking to FF media monitoring desk, Ms Sapkota said, "CIB arrested me reasoning that I shared a news story relating to rape and murder of 13 year old Nirmala Pant. It accused me for defaming entire police administration. I was arrested and initiated a case under Section 47 of Electronic Transaction Act."

Mother of a two year old baby, Sapkota shared her plight that the Kathmandu District Court issued an order releasing her on bail amount of Rs. 50,000.

As per journalist Basnet, he was not treated well during detainment. He was handcuffed most of the time. However, Ms Sapkota said she was not mistreated.

In a separate incident, police arrested two online media journalists from their offices in Kathmandu on September 4 for publishing news. They were however released after two hours.

Editor of [www.newskarobar.com](http://www.newskarobar.com), Nawaraj Kunwar, and reporter of [www.onlinekhabar.com](http://www.onlinekhabar.com), Royal Acharya, were arrested from the offices by the civil police. The journalists had carried separate news about arrest of a person by police over a domestic violence from Udaypur district.

Despite having rightful body, Press Council Nepal, to regulate the news content, Nepali Police have been showing highhandedness and frequent misusing authority.

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## Message from Executive Chief

# Sword of Damocles on Press Freedom

**G**overnment has gradually beefed up its highhandedness towards freedom of expression and press freedom. It ignored the amendment on the criminal code and its procedure. The code has included some provisions on printing and press/ publication under the criminal offense. In the provisions relating to crimes on the national security, social security, law and order, hate speech, blasphemy, obscenity and pornography and social harmony, the issues of press freedom and FoE are highly likely to be misused and tampered. Such provisions have criminalized even the practices of FoE exercised for public internet and welfare.

In addition to this, the provision on the chapter on defamation- libel and slander, the Sword of Damocles is posed on press freedom. It is sheer criminalization of the libel and slander occurred while exercising press freedom- printing, publishing, broadcasting and imparting of news. Adding further worry, the punishment to this is 50 percent more than the other punishment.

Similarly, in the additional chapter in the individual privacy, the investigative journalism has been rendered nearly as a crime. Rather than protecting individual's privacy, the provision on individual privacy has boosted the State's secrecy and the public officials over-empowered. Concerns raised from the media fraternity and the right defenders were egregiously left unheard. Instead, the government, taking some media persons of its favour and under influence formed a mechanism and adopted the strategy to linger and shadow this pressing issue. With this, the government's intention is clear- it wants to panic media, increase surveillance and deepen self censorship with the continuation of hostile legal provisions.

At a time when the government bodies seem to implement the criminal code, the bill on individual privacy has been passed by the parliament. The bill passed by avoiding the adequate discussion and debate has clearly mentioned the provision that intend to tamper press freedom and FoE. However, the timely and apt intervention FF made helped lawmakers to be aware of the possible risk and finally proposed for correction on some provisions. Despite some amendments, there are several points to be corrected so that practice of FoE would not be risked in future. It is the worldwide practice that the breach of individual privacy actually falls under a civil offense, which is not in Nepal.



On the other hand, the government has not shown interest to bring reform in the media laws and institutions, which has been demanded for a decade in the country. Also, it is indeed the State's indifference to the recommendation made by the media policy. Another noteworthy here is that this government has blocked the licenses for radio and televisions.

The drafts of the umbrella act on mass media, public service broadcasting act, advertisement act, media council act, integrated ICT act have not been tabled in the parliament, and the government officials are reluctant to hold public and open debate and discussion on these. The Ministry of Communications and Information Technology has kept secret many draft bills like Media Council, ICT and advertisement regulation. The government has spread panic leaving everyone in suspicion with the strategy to shrink the press freedom atmosphere.

Although the government officials have been repeating that press freedom would not be breached, the misuse of Electronic Transaction Act is unabated, as numerous journalists have been the latest victims to it.

Recently, the government has sent circular to all government agencies to provide advertisement and sponsored program only in the government owned media as Radio Nepal, Nepal Television and Gorkhapatra Corporation. It is totally unfair and gross misuse of public funds to strengthen government propaganda mechanism. It is obviously against the the media pluralism and professionalism.

Moreover, the press freedom violations have been growing- three dozens of violation in the recent three months alone. The policies and acts at the local and provincial governments are also hostile to press freedom. The attacks on press freedom are not paid attention. The impunity has been a persisting problem, as families of the journalists victimized during the conflict in the country are still waiting for justice. It vividly paints a grim picture of press freedom in Nepal, which is likely to face more risks in the days to come. FF is however psychologically ready to brave the impending challenge and to fight for vibrant media freedom and FoE of Nepali citizens as per the constitutional guarantee and international commitments.

- Tara Nath Dahal

## Nepal Eligible for Open Government Partnership



**A** peer learning workshop on Open Government Partnership (OGP) took place in the capital on Sunday (9th September).

The workshop jointly organized by Freedom Forum and Accountability Lab had brought together different civil society leaders and Open Government champions to discuss the areas of interest, contributions and reinforce collective voices towards adoption of OGP.

Delivering a presentation on OGP and its potential benefits, Freedom Forum Executive Chief Taranath Dahal said Nepal was already eligible to be the part of the global movement having required scores in the areas of access to information, fiscal transparency, asset disclosure and citizen engagement.

Main objective of the event was to deepen CSOs' understanding on OGP; identify potential champions within and outside governments for knowledge building and prepare baseline for commitment and action plan from CSO's perspectives, shared Accountability Lab Nepal Co-Founder Narayan Adhikari.

The participants were divided into four groups to discuss and present the areas, actors and innovations of Nepali CSOs on open government partnership.

Open Government Partnership brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive and accountable.

OGP is a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption and harness new technologies to strengthen governance.

# Press Freedom Violations

## Obstruction

**A.** The State Affairs Committee of the House of Representatives barred the journalists from entering the meeting of the Committee for reporting. The Committee barred the journalists after it elected of its chairperson.

The newly elected Chairperson Shashi Shrestha of ruling Nepal Communist Party ordered the marshals to bar the entry of journalists, including photo and video journalists in the meeting hall, citing that the informal meeting was underway.

According to FF's representative in Province 3, journalist with setopati.com news portal, Manoj Satyal, said the security marshals stopped journalists outside the meeting hall reasoning the 'order from the Committee Chairperson'.

The Committee discussed the rape and murder of Nirmala Panta and other contemporary issues and also decided to summon Home Minister to inquire about probe on the case, according to Committee member Jhapat Rawal.

Generally, all parliamentary committee meetings are open for journalists.

When asked about the obstruction, Committee Chairperson Shrestha said, "I thought there was not any important issue for journalists in the meeting." She however assured of keeping the Committee meeting open for the journalists now onwards.

Various committees have been formed recently under the federal parliament to discuss the contemporary issues, question over government performance and grill the concerned Ministers for underperformance. So, the meeting of such committee carries significance.

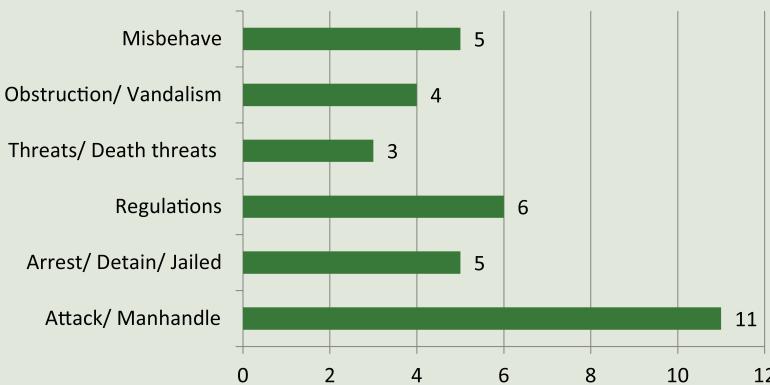
**B.** On September 25, journalists were barred from reporting during the announcement of the report of the high level probe committee formed on rape and murder of Nirmala Pant from Kanchanpur.

The journalists were obstructed from attending the programme organized to make public the much awaited report of the probe committee on Tuesday.

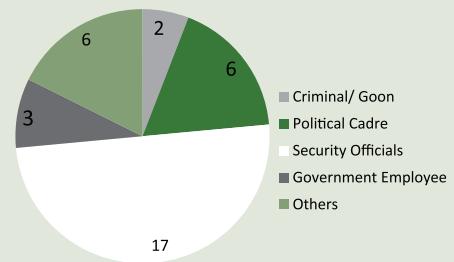
The incident not only violated journalist's right to free reporting, but also badly tampered citizen's right to information on the most harrowing incident- the violence against girl occurred in the country. Despite two months' passage after the murder of Pant, no culprits have been ascertained by the administration, to which every section has shown grave concern.

**C.** The police persons seized the copies of Prakash weekly some days back in the capital city to a blatant violation of press freedom.

## Violation Types in Media



## Elements Hostile to Media



**D.** Owner of CMC Aqua Beverage Company in a Kaski district, Kapil Kiran Shrestha, misbehaved with journalist Hemraj Adhikari, Station Manager of Fewa Television, on July 10 in Pokhara. Shrestha also snatched the camera from the journalist and broke it.

As per the information sent by Freedom Forum's Representative in Province 4, Rajan Uapadhyay, journalist Adhikari was collecting the information and capturing a video of a market monitoring.

Journalist Adhikari was making a news story about monitoring on whether the drinking water bottling from the Company maintained quality. Journalist Adhikari had reached the site along with the team of District Monitoring Unit.

"It is sad that the company was distributing substandard drinking water in the market causing harm to the public health," journalist Adhikari said, adding that it is responsibility of a reporter to expose such malpractice.

Posting a status on his Facebook, journalist Adhikari has questioned, "Aren't we, journalists, allowed to expose such malpractices with factual information to the public?"

**E.** Another story of press freedom violation comes from Hetauda, the capital city of Province 3. Journalists were barred from reporting the meeting of various committees under the provincial parliament. At a time when the committees were discussing on the formulation of various laws

and policies, the reporters were not allowed to report live the meetings. It not only obstructed the free flow of information but also created room of non-transparency.

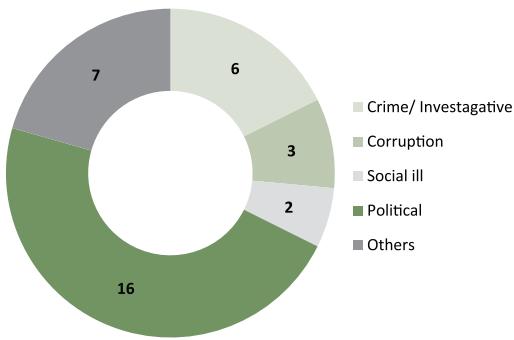
**F.** FF's representative for Province 3, Ashok Dahal reported that the journalists were barred from entering the Prime Minister's residence at Baluwatar for covering the private ceremony on September 8. According to Mr. Dahal, no journalists were allowed to enter the PM residence where the gathering of Oli clan was taking place. The journalists were kept outside in the waiting room where they were barred to take photos and videos or even enter inside the premise.

Not allowing journalists for news coverage in the event organized inside the premises of the government-owned property is suspicious. Barring the journalists from reporting is against the constitutional right for freedom of the press, right to information of the public and against democratic values. 

## Death Threat

**A.** A human rights defender, RTI activist and a senior journalist Ram Bikash Chaudhary received death threat by local representative for seeking information on July 5. The incident occurred at Sammarimai Rural Municipality of Rupandehi district. Rupandehi lies in Province 5 of Nepal. Chairman of Rural Municipality, Jetendranath Shukla threatened and misbehaved with journalist Chaudhary while he visited the municipality office to seeking information on the supply of vehicle fuel in the office. Journalist Chaudhary had filed an RTI application on June 11. Mr. Chaudhary is associated with [www.cpostnews.com](http://www.cpostnews.com), an online portal, and writes frequently on corruption and governance issues.

### Threat by Contents to Media



## Attacked for Exposing Irregularities

**S**enior journalists Chhabilal Tiwari and Om Prakash Ghayal were attacked by a contractor on August 9 in Parbat, a district in Province 4. Journalist Ghayal is the station manager at Radio Saligram and Journalist Tiwari is associated with the Nagarik daily.

According to FF representative for Province 4, Rajan Upadhaya, journalists Tiwari and Ghayal were attacked by the local contractor Puskal Sharma and his team at Chhamarke of Kushma-4 in the evening.

Both the journalists were assaulted while returning from the café. The drunken contractor not only thrashed them but also abused verbally. He also tore Ghayal's clothes injuring him.

Earlier, both journalists had exposed irregularities relating to the contractors and government officials.

Representative Upadhaya further reported that Deputy Superintendent of Police (DSP), Bhuvaneswar Tiwari of Kushma also condemned the attack and said that he was informed through telephone about the incident in the evening and he immediately ordered the Inspector for further investigation.

Both the journalists filed an FIR in the District Administration Office, Parbat.

With the federalism in place, the local levels have been empowered with huge budget and authorities to propel the development activities. But the irregularities on the development activities are fueled by undue contract involving the government officials. These are obviously the stories for journalists to investigate and bring the facts to light. But, the growing hostility to the media for reporting corruption and irregularities is taking toll on press freedom. 

Talking to FF's media monitoring desk, journalist Chaudhary said, "I visited the municipality office to inquire about the RTI application I had filed. While I was waiting at the office the drunken chairman suddenly spoke foul words; grabbed my wrist and pushed me out of the office. He even threatened to kill me and said he not will provide me any information."

Chaudhary shared that Chairman grossly threatened "I am not going to give you any information. You can write whatever you want. I am a gangster of this area. You will regret your actions. I can make you go disappear at any time." Journalist Chaudhary registered the complaint at Federation of Nepali Journalists (FNJ) district chapter Rupandehi seeking safety and security.

Earlier, Chaudhary had exposed cases of irregularities at same rural municipality office. He had covered news stories related to misuse of government vehicles and formation of local judicial committee in the local level against the spirit of the constitution. The rural municipality officials had become furious with me following the coverage of their wrongdoings, Chaudhary shared with FF.

FF made aware the local authority including police persons about the issues and strongly urged for Chaudhary's safety and security. Reporting and exposing irregularities and corruption of public concern is the prime job of journalists. But, such reporters are often targeted- now by the people's representatives too.

**B.** Rajendra Prasad Awasthi, a journalist of Janasarokar Post weekly, received threat by school Principal for covering news on August 22 in Bhimdatta-18, Kanchanpur. Kanchanpur lies in Province 7. Principal of a local Sunrise School, Ganga Chalise, threatened journalist Awasthi for covering news about the arrest of two people involved in mobile phone theft in Bhimdatta Municipality.

**C.** Rabindra Pun Magar, a journalist with the Rolpa Samachar weekly, received death threat by local representative for criticizing public hearing on September 10 in Rolpa. Rolpa lies in Province 5 of Nepal. Chairperson of Runti Rural Municipality Balaram Budhamagar threatened journalist Pun Magar for criticizing public hearing of the Rural Municipality. 

# Attack

**A.** Security officials misbehaved with and manhandled journalists LP Devkota and Prakash Upadhaya on July 19 while they were covering the news of security forces intervention in the peaceful protest of Dr Govinda KC in Jumla. Jumla lies in Province No 6 of Nepal.

Journalist Devkota and Upadhaya are associated with Kantipur daily and AP1 Television respectively.

As per the information sent by Freedom Forum's representative for Province No 6, Laxmi Bhandari, journalists Devkota and Upadhaya were covering the ongoing protest of Dr. Govinda KC while the government tried airlifting him to Kathmandu forcefully from Karnali Academy of Health Sciences.

Security officials snatched the journalists' cameras too.

According to the FF representative, police started baton charge against protesters soon after Karnali Province's Chief Minister and Law Minister left the place.

The security personals misbehaved with the media persons and threatened to vandalize their equipment if they clicked photographs.

Both journalists sustained injuries on hand, leg and back with the baton charge while taking photographs.

**B.** Due to security officials intimidation, five journalists were injured in an attack while covering news of a demonstration launched by Nepal Congress youth wing Tarun Dal in the capital on July 21. Kathmandu lies in Province 3.

As per FF's representative for province 3 Ashok Dahal, five journalist namely Ajay Babu Siwakoti, Chief Editor of hamrakura.com news portal and General Secretary of Nepal Press Union, Maheshwar Gautam affiliated to Rajdhani daily, Nibesh Kumar affiliated to New 24, Skanda Gautam and Praveen Maharjan affiliated to the Himalayan Times were severely injured after security officials attacked them in the protest against the government.

Police fired 23 rounds of teargas shells at a rally organized by Tarun Dal, youth wing of main

opposition Nepali Congress and baton charged journalists. All injured journalists had to get admitted at Civil Hospital, Baneshwor, for treatment.

**C.** Journalist of the Navasangra daily, Gopal Gupta, was attacked on July 22 evening by Nepal Army person in Siraha. Siraha lies in Province 2 in the southern plains of Nepal.

According to Rajan Kumar Singh, FF representative for Province-2, Gupta was misbehaved and attacked while he was talking to his friends at a local Shahid Chowk, Lahan. "All of a sudden, tipsy Nepal Army person Bijay Gurung punched me and attacked with helmet," said representative Singh quoting journalist Gupta. As a result, Gupta sustained injury on his head. He had to get medical treatment for the injury.

**D.** Journalist Saram Chaudhary associated with Akhawari fortnightly was attacked by three unknown persons on September 13 in Bardiya, a district in Province 5.

The unknown people attacked and injured journalist Chaudhary. They also damaged the Chaudhary's camera.

**E.** Journalist Nabaraj Dhanuk associated with STS television was attacked by Chair of District Sports Development Committee on

July 2 in Kailai, a district in Province 7.

According to the FF representative DR Pant, Chair Deepak Singh verbally abused and attacked journalist Dhanuk at LN Chowk in the evening. Chair Singh accused Dhanuk of writing on social media.

Dhanuk sustained injuries in his head and hand. Injured journalist received treatment at the Seti Zone Hospital.

**F.** Journalists Radheshyam Bishwakarma of AP1 Television and Deepak Ghimire of Image Television were attacked in Rupandehi on August 5 while covering news stories and capturing videos of the students protesting the death of fellow student at a local hospital.

As per the information sent by FF representative of Province 5, Sudeep Gautam, journalists Bishwakarma and Ghimire were attacked by the protesting students. They also damaged their video equipment.

Students protested at the Universal College of Medical Sciences of Bhairahawa city after the death of Mahadev Shah,22, a 4th year student of Bachelors of Dental Surgery and damaged hospital's properties at ICU, CCU and Hemodialysis on August 5.

## Non-disclosure of Cabinet Decisions a Non-transparent, Regressive Move

**O**ne after another, the government led by Communist Party of Nepal (CPN) increased hostility, intimidation and intolerance towards the democratic values in Nepal, which widely drew severe attention.

In July, it was learnt that the decision of the Council of Ministers was hidden while sharing before the media. The media have reported that the decisions relating to the recommendation for ambassadorial posts and distribution of money to those loyal to the ruling party were kept secret for weeks. It has not only breached the hard-earned, established practice of sharing the cabinet

decisions to public through media but also violated the citizen's right to know. It clearly shows how non-transparent culture the government was building.

Hiding information from public is violation of citizen's right to information. It is indeed a regressive move that promotes non-transparent and unaccountable culture, which is against democratic values. Keeping information away from media is sheer disrespect to media.

The government must adopt open government culture to build informed citizenry which are essential pillars of functional democracy.

# Barring Bista from Going Abroad an Authoritarian Move

**F**reedom Forum was seriously concerned over government's increasingly intimidating behaviour toward citizens by violating their rights. In a series of violation of citizens' rights and intimidations, the government led by Communist Party of Nepal (CPN), on August 24, barred former child soldier of the Maoist party, Lenin Bista, from going abroad to attend an international seminar on youths' role on social engagement.

The former child soldier of the Maoist party and currently working as a social activist, Bista, was grilled by the airport official and arred from boarding while he was leaving for Bangkok, Thailand.

Earlier, the government in the similar fashion had barred the Vice-Chancellor of the Nepal Sanskrit University, Kul Prasad Koirala, from going to Canada to attend the global program on Sanskrit language. He was also barred by the airport official after taking boarding pass to emplane for Canada. It had also received wider criticism. Some weeks back, grilling a doctor by the Home Ministry over patients' report was sheer interference on professional rights.

Bista after being barred by the airport told media that the immigration official asked him to stay awhile because 'he was recently put in semi-black list from the authority above.'

"After the plane took off, they said the order was from higher body," Bista said, adding he asked the officials whether they could give him in written why he was denied from going abroad but in vain.

Moreover, he said, "I think they might have feared of my views on child solder in the international forum though the program was not about it." He even claimed that Home Minister's chief advisor was directly involved in preventing him. "Although child solider was practiced in Nepal in the past as I was myself a child solider during Maoist insurgency, I'm continuously advocating for the national legislation that prevents child solider in future."

He shared the plight: "Can the State attack a citizen in this manner?" Bista further shared that the Home Ministry had even directed the employees at the gate of Singha Durbar, the central administrative office of the country, not to allow his entry to the Ministry.

Citizen's freedom and their supremacy is the corner stone of democracy. Barring Bista from attending international program and expressing his views has not only violated his right to free movement but also his right to freedom of expression. Although we claim of country's democracy a reformed one calling it loktantra where citizen should be the supreme, the government activities in the recent time are contradictory to democratic norms and values.

FF reiterates that government must abide by the constitution that has enshrined rights to citizens. Suppression of citizens' voice is the suppression of their fundamental rights. Breach of fundamental rights erodes system and fulfills authoritarian interest. The government is therefore urged again not to repeat such activities. At a time when Nepal is in the phase of implementing new constitution, the symptoms of authoritarianism, no doubt, would cost the hard earned achievements of citizen's rights and freedoms in Nepal.

**G.** Three journalists were injured while covering news of a demonstration by local people against security officials in the Mahendranagar. The incident occurred on August 23. Kanchanpur lies in Province 7.

Three journalists namely Kundan Raj Pandeya, Station Manager of Radio Kanchanpur, Padam Bohora of Nepal Television and Mahesh Prasad Joshi, press adviser of Pawandut Yatayat, were injured after security officials attacked them while covering the ongoing protest in the area over the rape and murder of a teenage girl.

**H.** Subeditor of a local Janaarpan weekly, Ajay Gorkhali, was attacked by local representatives for reporting about the executive meeting of the municipality on September 6 in Gaidakot Municipality.

According to Gorkhali, the representatives attacked journalist Gorkhali, arguing that he recorded their statements in mobile. They also seized his mobile phone and diary.

Mayor of Gaidakot municipality, Chhatraraj Poudel, however, apologized over the incident, saying, he owned the moral responsibility. He said the incident took place when he had just left the meeting.

**I.** Editor of Roja Today daily, Rahul Kumar Singh, was misbehaved and attacked by security officials on August 30 in Janakpur, Dhanusha. Dhanusha district lies in Province 2.

According to the FF representative for Province 2 Rajan Kumar Singh, Police person Dhruba Mishra misbehaved and attacked journalist

Singh at Bhanu Chowk of Janakpurdham while he was capturing the riot between the local and police. Mishra snatched the mobile phone that journalist was using to shoot the video and damaged it by breaking the cell phone.

**J.** Journalist Ganesh BK with the Radio Miteri was attacked by local people on August 2 in Bajhang, a district in Province 7.

According to the FF representative DR Pant, two local youths attacked journalist BK in Chainpur at 10 pm night while he was having dinner. Youth attacked BK over the news he aired. BK sustained injuries in his head and hand and had to get treatment from a local medical.

# Hostility Grows

## A. Public Places Restricted

The government's ruling to limit public places for peaceful protests was full of wider concern.

One after another, the activities of the government led by the Communist Party of Nepal (CPN) are shrinking the public places, thereby tampering citizen's right to peaceful protests.

Major public places not only in the capital city Kathmandu but also outside districts were banned for the people to demonstrate. With the ruling, people's programs were banned in various six places, including, Maitighar Mandala, a public place near the central administrative office, Singha Durbar, which is being used as a place for people's rally, demonstration and peaceful protest, for decades to exert pressure on the government to get it hear people's voices, demands and grievances. This ruling created widespread objection and criticism including from the media fraternity. It was need an oppressive step to muzzle people's voices.

On June 30, the government took under control an orthopedic surgeon Dr Govinda KC from a remote Jumla district, who had initiated fast-unto-death strike, demanding reform in medical education sector. It was the 15th round of the strike the crusader for the reform in medical education, Dr KC was to launch after not getting the demand fulfilled.

Same day, a group of people objecting to the government ruling against demonstration at Maitighar Mandala was held by the police. These activities clearly proved that government was not tolerant of any criticism and people's voices and protests.

Right to objection and peaceful protests are like the right to freedom of expression. Once the people are banned to organizing rally, program, protest, their right to FoE is violated. It was move to limit public places to crush civil space.

## B. Arrest of Rights Defenders

FF was alarmed over the arrest of twelve human right activists from Maitighar Mandala, Kathmandu, while protesting government's decision

of prohibited zone and demanding justice to Dr Govind KC and Ganga Maya Adhikari on July 6.

Dr KC had been staging fast-unto-death demanding reform in the health education and service sector, while Gangamaya too was staging fast-unto-death, demanding justice to the murder of son Krishna Prasad Adhikari with the legal action to those involved in his murder.

Charan Prashain, Dr. Surendra Bhandari, Dr. Uddab Pyakurel, Mahamunishwor Acharya, Sagar Adhikari, Manoj Adhikari, Mohan Gyawali, Lokendra Pokharel, Lokraj Awsathi, Bishwa Dulal, Jayram Dahal and Indra Prasad Aryal were arrested during the protest. They were however released after some hours.

## C. Use of Force on Dr KC

It was alarming that vehement force was used against Dr Govinda KC during his peaceful strike in remote Jumla district of Province-6.

Security forces were massively mobilized in a bid to bring the agitating Dr KC to Kathmandu. Social activist and crusader for medical education reform Dr KC had been staging fast-unto-death in Jumla for 20 days. He had been posing various demands before the government for the reform in medical education sector.

In order to airlift Dr KC to Kathmandu, the security forces intervened in the peaceful protest- fired tear gas shells and charged batons randomly on Dr KC's supporters including the doctors, nurses and students of Karnali Academy of Health Sciences. It resulted in the clash which left many injured. Even the journalists were misbehaved by the security persons.

It was all to panic Dr KC and his supporters. Finally, Dr KC was reported to have said that he would come to Kathmandu to avoid violence in Jumla. Later, he was brought to Kathmandu.

Instead of taking peaceful measures to solve the problems and address Dr KC's demands, the government resorted to violent suppression of the peaceful protest which was gross violation of freedom guaranteed by the constitution.

One after another government's intimidation on citizen's civic and political rights was growing.

Civic space is shrinking. It is an alarming threat to democracy in Nepal of late. Peaceful protest is also a form of expression. Dissent must not be negated in democracy. The government needs to respect healthy criticism from the people.

## D. Press Pass by Nepal Army!

Distribution of special press pass by the Nepal Army for the journalists to cover the ongoing fourth BIMSTEC Summit in Kathmandu warranted concern. Allocating press pass by NA is sheer breach of the jurisdiction of the Department of Information (DoI).

The DoI is the authorized government body to issue the accreditation card (press card) and could issue the special press pass for the journalists in view of the special event, but highhandedness of the NA is objectionable.

Due to this, many journalists were deprived of live reporting of the important international summit.

FF representative Mr Ashok Dahal stated that the DoI had earlier sought the applications from media houses for the special press pass for the Summit. But later, the DoI shared quoting a fellow colleague, Arjun Pokhrel, "The DoI informed the pass will be issued only after Special Security Department of Nepal Army checking the application at first," he said.

Media management by Army is quite absurd. Media is an independent entity and involvement of army as distributing press pass bearing signature of security persons is against press freedom. Such practice must be stopped immediately.

DoI, the authorized body to distribute the press pass should be free from the security agency. For the security purpose, army can check the application but the press pass must be released under DoI's name. So, it was the misplaced priority of the security agency.

# RTI Watch

## A. Local leader attacked for requesting information on budget misuse

A local leader of Nepali Congress party, Arun Mandal, was attacked by a rural municipality chairperson, Satish Kumar Singh, for requesting information using RTI on July 9 in Saptari district. Saptari lies in Province 2 of Nepal.

Freedom Forum's representative from Province 2, Rajan Singh, reported that Mandal was attacked while he reached Saptari's Tilathil Koiladi Rural Municipality office demanding information as per request made in RTI application filed before 15 days. He had requested for information on expenses of development budget by the Rural Municipality.

Mandal had filed an RTI application after the locals complained about the misuse of development budget by the Rural Municipality Chief Singh and Chief Administrative Officer.

Both Chairperson and Administrative Officer denied information to Mandal. Following this, he also submitted a memorandum to Chief District Officer Surendra Paudel requesting for the information, informed representative Singh.

As the constitution guarantees, any citizen has the right to file RTI request seeking information from any public agencies. Attack upon the public merely for his/her RTI request and denying information is sheer violation of RTI Act- the violation of citizen's fundamental rights the right to information guaranteed by the constitution. Denying information is also a maneuver to keep secret the irregularities. The Municipality Office therefore must provide the information and respect citizen's right.

## B. Information seeker misbehaved

Information seeker Chandan Pandit was misbehaved by Ward Chair on 29 August in Janakpur, Dhanusha, a district in southern plains of Province 2.

According to FF representative, Rajan Kumar Singh, ward chair of Bhandai Rural Municipality -2, Amit Kumar Yadav, misbehaved and slapped Pandit for seeking information about the irregularities in development works of that ward.

On 29 August, Pandit reached ward office to file RTI seeking information about the budget, monitoring and evaluation of road construction but administrative officer Subhod Thakur did not register his application. While Pandit was returning home, ward chair Yadav came in his way and seized the application saying, 'what is this application about?' Immediately after reading the application, Yadav slapped to Pandit.

The constitution has guaranteed RTI as a fundamental right and a separate RTI Act 2064 explicitly mention that all citizens have the right to file RTI request for any information from any public agencies. Attack on the citizen/ information seeker merely for his/ her RTI request and denying information is the violation of RTI Act- the violation of citizen's fundamental rights guaranteed by the constitution. Denying information is also a maneuver to keep secret the irregularities.

## C. Govt staff misbehaves with journalist, apologizes later

Khaga Prasad Chapagain, a journalist affiliated with Butwal Today, was misbehaved by chief of Nepal Electricity Authority (NEA), Taulihawa Transfer Centre for seeking information on 30 July in Kapilvastu, a district in Province 5 of Nepal.

According to the information collected by FF, Chief of NEA Taulihawa Transfer Centre, Himanshu Kumar Yadav, misbehaved with journalist Chapagain while he visited NEA, Taulihawa office to get information about the alleged malpractices in procurement during transformer supply.

Earlier, journalist Chapagain had tried to file the RTI application on 18 July, requesting information about the number of quotations and the status of payment. His application, however, could not proceed as Chief Yadav denied to formally forward the process.

Yadav also misbehaved with journalist Chapagain at his office. Following the incident, a team journalist including FNJ central member Basanta Giri and District chapter chair Dilliram Bhusal reached Chief District Office urging necessary action to Yadav. Later, Chief Yadav apologized over his mistake in the presence of the Chief District Officer Madan Bhujel.

## After pressure, govt withdraws additional charge on internet

The additional telecommunications service charge (TSC) the government imposed on internet in July drew widespread criticism. FF believed that the excessive charge on internet had direct impact on internet users, discouraging and curtailing their freedom of expression online. Freedom of expression and information are the fundamental rights enshrined by Nepal's constitution, but the decision to impose 13 percent TSC on internet limited citizens' access to internet.

Internet has become an effective platform for citizens to express their views, participate in debate and make criticisms on any issue of importance. It has created an unrivalled opportunity for exercising FoE online.

But, the decision was brought also against the National Broadband Policy that aims to expand the broadband internet coverage.

Excessive TSC on internet had come in a series of government's attacks on freedoms. It was intended to suppress citizen's right to FoE and information online. At a time when the free flow of information must be ensured to keep public vigil on the government activities for functional democracy, the government imposed the additional charge thereby limiting people's affordability and accessibility. With the mounting pressure from various sides including the FoE advocates as FF, government lifted the charge.

# Vandalism

Ramji Saha of Kalaiya Sub-Metropolis-1 vandalized the office of local Sanskar FM and misbehaved with journalists in Bara on July 16. Bara lies in Province 2 of Nepal. He entered FM station and misbehaved with, and threatened FM journalists speaking foul words. "I will set the station ablaze and nobody can do anything to me," he threatened.

As per the information sent by Freedom Forum's representative, Rajan Singh, drunken Saha broke air cooler and LCD monitor worth around Rs 150000. According to FF representative, Saha vandalized the FM station arguing that advertisement he had contracted for was not broadcast. However, station manager of FM said they had already broadcast the advertisement. The police arrested Saha immediately. Mr. Anil Kumar Gaurav, Chairman of the FM filed a complaint at District Police Office, Bara, seeking necessary action against vandal. 

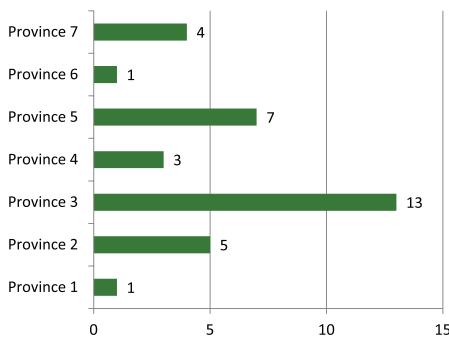
# Arrest

## Four persons arrested for protesting against Minister

Police arrested four persons from Gulariya, district headquarters of Bardiya, for waving black flags to Deputy Prime Minister and Minister for Health on August 23. The arrested ones are Harpal Singh, Irphan Sheikh, Rajit Ram Kurmi and Ram Manohar Yadav. According FF's representative in the district, they were held by the police.

The arrest violated citizens' right to peaceful protest. It is indeed the violation of freedom of expression. Such constitutional right of the citizens must not be breached. The government is therefore urged to respect citizen's right to freedom of expression. 

## Provincewise Media Violation



# Reporter Khadka Goes Missing



Reporter with Radio Budhinanda, Teju Khadka, has gone missing since August 26 from Bajura. Bajura district lies in far western Province 7 of Nepal. According to FF's representative for Province 7, DR Panta, reporter Khadka had gone disappeared from Budhinanda temple where he had gone to report on a religious fair. The temple is located at the height of 4,100 meters in a remote Himalayan region.

Representative Panta informed that Nepal Police had formed a team to search for reporter Khadka. Even locals of the area continued searching the missing reporter. FF has urged the concerned local authorities about whereabouts of the missing journalist. 

# Reform RTI Strategy Access to Information Day

Like press freedom and freedom of expression, citizen's right to information has already been an inseparable advocacy agenda of Freedom Forum. Since the drafting of the right to information bill to its protection and promotion, FF's advocacy is continuous till date. In this connection, FF marked this year's International Day for Universal Access to Information (IDUAI), making observation on Nepal's RTI practices, laws and policies and discussing the international practices.

It has been twelve long years Nepal got the RTI Act. So, time has come to think for its reforms, said the participants at the program marking the Day. They discussed whether the national bodies have given priority to the RTI in the changed context where the people have been empowered with constitution as per the federal set up. Despite the nationwide campaigning and advocacy of transparency and accountability on public agencies through the use and adherence to the RTI, need of further vibrant advocacy and campaign was pointed out at the program.

Associate Professor at Kathmandu University Dr Sudhamshu Dahal said RTI could be linked to data journalism. "Because Nepali journalism has become reactionary, the use of RTI was ineffective. Nepal's journalists' patience for investigative reporting could be boosted with the use of RTI."



Executive Chief at FF, Taranath Dahal said the RTI campaign is an ongoing process and it must not cease at all. Although FF's unrelenting campaigning has contributed a lot to mainstream the RTI in Nepal, the latest scenario has disheartened the information seekers, he added. "In the recent four months, FF has interacted with over 120 information officers. However, the State has not worked up to the mark."

According to him, despite having government agencies at the local levels in a long gap, the people have not been empowered but weak. FF Chairperson Haribinod Adhikari viewed that the people at local levels were still facing problems to receive services, and there lies the need of RTI practice. Even the conflict between the Spokesperson and Information Officer at public offices was a hindrance to information disclosure. Executive member at FF, Bin Kumar Bishwokarma, suggested the FF team to rethink its strategy to augment the RTI regime in the changed context. 

# Democracy Facing Challenges

“Among various challenges of democracy in the national and global context at present, the difference in the understanding of democracy between the ruler and people is the pressing one,” said Professor Krishna Khanal during a talk program in Kathmandu on September 14.

At a talk program titled “Contemporary Challenges of Nepali Democracy” organized by Freedom Forum on the occasion of the International Day of Democracy, Prof Khanal delivered a lecture on universal values of human rights, its dimensions, and major challenges.

As he said, the universal values of democracies are free press, independent judiciary, rule of law, free and fair election, accountable government, while the structure, process and institution to nurture democracy may be different. However, the conventional lens of democracy does not fulfill citizens needs, broader thoughts and liberal practices are must, he underscored.

Prof Khanal laid the emphasis that democracy is a process and platform for utmost exercise of people’s rights. Unlike guided system, democracy is always in evolution where consensus, collaboration and cooperation are kept intact.

## Individual treated as commodity

“Democracy has become trading resulting in degradation of human values and individuals have been treated as commodity in the contemporary Nepal, which is a severe blow to the system,” he warned.

At the program gathering human rights activists, academia, researchers, legal practitioners, journalists, he said right to dissent must be ensured in any system to call itself democracy. “Why most of the political parties and leaders did not decry the detention and killing of a youth Ram Manohar Yadav in Bardia district because of mere show of black flag to a Minister? Does it suit democracy? State can’t seize citizen’s right.”

## Anyone, as he said, can disagree with constitution

Giving reference of Switzerland, right to dissent is practiced there despite not having opposition in the government. Similarly, South Africa has presidential parliamentary system. If the new actors of democracy are not recognized, the system does not serve the people. Internal dispute is another threat to democracy. So, government needs to work considering its limitation in democracy.

## Nepali government likely to be ultra rightist

In Nepal and in the globe, democracy is getting vulnerable, he pointed further warning that present government was likely to become ultra rightist thereby curtailing democratic rights of the citizens. He flatly rejected the concept that Nepali communists are real communists. Responding to a question, lokatantra was just the rebranding of the term ‘democracy’. “Civic space is shrinking in Nepal. Nepal has got most arrogant leadership in the country’s history. Politics of negation is growing. Geostrategic

management must be effective to keep Nepal free from foreign meddling,” he added.

Similarly, in response to the query whether political parties had lost relevance, Prof Khanal said although political parties have no alternative, their relevance is weakening day by day. Every political party needs to prove its relevance and importance, he underscored.

## Recognize new actors

Moreover, the key note speaker pointed out the need that the system recognize the new actors such as regional parties and ethnic groups are coming to the fore; identity based politics came bringing challenges to the established structure and style, he viewed. According to him, political parties are the need-based vehicles and platforms but the destination is important. When values are transformed into systems it may be a serious thing sometimes. Individual is at the receiving end.

Initiating the program, FF Chief Executive Tarannath Dahal said the discussion on democracy had been a pertinent agenda for civil society, political parties and every aware Nepali citizen at present, coinciding with the International Day of Democracy. From policy and laws to the political practices, the suppressive behaviours must be negated to protect democratic values that are hard earned in the country. So, the lecture by Prof Khanal could be an enlightening to the participants from diverse sectors. Time has come for everyone to frustrate challenges of democracy from their respective sides.

FF Chairman Hari Binod Adhikari expressed gratitude to Prof Khanal for sharing his knowledge on the challenges of democracy in national and international arena along with his experience of making aware the Nepali politicians on protecting democratic values from time to time.

The participants including Freedom Forum Chairman Adhikari, Chief Executive Dahal, General Secretary Dharmendra Jha, journalists Krishna Sapkota and Narayan Ghimire, advocates Baburam Aryal and Sanjiv Ghimire, leader Mohan Baral, Chairman of Minimum Wage Fixation Committee, Gangadhar Parajuli put forth queries to Prof Khanal and made complementary remarks on different aspects of democracy. Freedom Forum has been celebrating the International Day of Democracy for four years in Nepal. 



International  
Day of  
Democracy

# Equipping PIOs with Office Information Must

**E**veryone in the training hall was surprised when an employee at Likhu Tamakoshi Rural Municipality of Dolakha district, Mr Raju Prasad Neupane, shared that he was appointed as the Information Officer only after NIC asked his office to appoint information officer in line with the Right to Information Act.

Moreover, another Information Officer from the neighboring district, Kavre, Ms Subita Dhungana, stated, "In Panchkhal Municipality, people are making more verbal requests than the written applications to seek information. We frequently update our information in our websites in order to be transparent and open towards the public. Even the budget has been allocated for citizen charter so to disclose the data and information about office activities."

In the meantime, she expressed although she is an Information Officer, she is deprived of the every data and information of the office, which can be the biggest challenge for RTI implementation.

Moreover, Information Officer from Panauti Municipality, Kavre, Mr Indra Prasad Adhikari, said. "I've not received any written application for information from commoner. Even the journalists seek information through telephone."

Kedar Singh Deuja from District Treasury Comptroller Office, Kavre, shared similar experience, "While looking at recent trend, journalists more than the general public are requesting for information."

Such views from public information officers were recorded during the training Freedom Forum organized for PIOs in Kavre from 27 to 29 August 2018, the information officers shared their curiosity and the confusions about the RTI provisions. A total of 21 PIOs with two female participants were trained on the importance of the RTI Act, and policies and provisions for maintaining transparency and accountability in the public agencies.

Information officer from Golanjor Municipal of Sindhuli, Tirtha Kumar Bhandari said, "Sometime before, review meeting were only



the source of proactive disclosure. But now, there are some changes- quarterly reports are being disclosed through websites and social networking sites like Facebook and Twitter. TV screens have been used as a tool for immediate information."

## Lack of electricity depriving people to view office disclosure

On the other hand, Information Officer from Phikkal Municipality of the same district, Narayan Prasad Adhikari, pointed out the lack of infrastructures and human resource in his office. He however said his office discloses the

information through citizen charter, apps and website. Owing to load shedding, the service seekers are deprived of viewing office disclosures/information.

More than 85% participants were from the local levels and the remaining represented the District Administrative Office, District Treasury Comptroller office, District Health Office and various local government offices and CS:MAP HEAD (Health, Education, Agriculture and Disaster) related offices from Sindhuli, Kavre, Sindhupalchowk, Ramechhap, Makwanpur, Dolakha and Okhaldhunga districts.





FF's Executive Chief Tara Nath Dahal, General Secretary Dharmendra Jha and Chair Hari Binod Adhikari facilitated the training.

### PIOs demand more RTI trainings to boost their capacity

Freedom Forum has continued its training for the public information officers in various parts of the country in order to build informed citizenry and whet the skills and knowledge among the PIOs, so that the practice of proactive disclosure and information seeking would be boosted for transparency and good governance. In the recent RTI training to PIOs, the participants have underscored the need of such training at every local level to enhance their capacity.

Information Officer from Women and Children Office of Kapilvastu district, Samjhana Bhandari, expressed, "This training has made me aware that I am a real civil service employee". She further said every public body needs such type of training. Such training must be conducted by each public body, Bhandari underscored.

Moreover, another Information Officer from the neighboring district, Gulmi, Suresh Khanal, stated, "I understood the importance and values of proactive disclosure after attending this training. After returning to my office, I will follow the guidelines of proactive disclosure developed by National Information Commission".

Mani Bahadur Gurung from Sarumarani Rural Municipality, Gulmi, shared his experience: "The contents and components of the training have changed my mind to be focused on duty. The training has brought enormous change on my concept of transparency, RTI and public service. It is indeed a 180 degree's reform of my perspective. I used to think that the role of PIO's is nominal (powerless) but now, I realized the power of PIO."

During the training Freedom Forum organized for public information officers in Kapilvastu from 26 to 28 July 2018, the information officers shared their confusions about the RTI provisions. A total of 19 PIOs with two females

participants were trained on the importance of the RTI Act, and policies and provisions for maintaining transparency and accountability in the public agencies.

Information Officer from District Education Office, Arghakhanchi, Chopal Belbase, observed, "This workshop changed my attitude towards information seekers and gave me knowledge and skills to respond them effectively."

More than 60% participants were from local levels and the remaining represented the District Administrative Office, District Treasury Controller office, District Health Office and various local government offices and CS:MAP HEAD (Health, Education, Agriculture and Disaster) related offices from Pyuthan, Gulmi, Arghakhanchi, Palpa and Kapilvastu districts. FF's Executive Chief Tara Nath Dahal, General Secretary Dharmendra Jha and journalist Ram Bikash Chaudhary facilitated the training.

*...Continued from page 1*

FF condemns the security personnel step for targeting the online media and related journalists. FF urges the concerned authority to respect press freedom. Security body's intimidation is intolerable. FF strongly urges the concerned authority to ensure justice as well as safety to the working journalists.

For long, the ETA has been afflicting the Nepali journalists and citizens. So, FF has been continuously advocating for the cancellation of the Section 47 of the ETA, as it is misused

frequently to panic and torture journalists in the name of cyber crime.

At time when various new laws are being intolerant to press freedom, the growing intimidation by security body as well has further contributed to the deterioration of press freedom in the country.

Moreover, from the very beginning to the release of Basnet, FF continued its support. FF legal officer Ashmita Pokhrel visited the

detention and learnt about how he was treated; followed the litigation, and represented him in the court. The District Court Kathmandu conducted the hearing on 14 September. On the same day, he was released on ordinary bail. Arguing for editor Basnet's activity lawful, FF voiced that 'the use of ETA over the same news story published in any newspaper and the shared on the online portal should not be treated differently. FF took the stand that the case was like a pseudo case initiated merely for harassing journalist.'

# Law and Policy Watch

**A**s a part of the continued policy lobby and advocacy, FF in the recent months rigorously engaged in review of different laws and acts that have been drafted and is in the process of enforcement. The major concern of the FF is whether the new laws and policies are in line with the national legislation and international best practices that ensures with unhindered freedom of expression, journalists' rights and civic space.

The review of the laws and policies were therefore focused on freedom of expression issues. The laws drafted, re-drafted over the period from January 2018 till now were reviewed and submitted to the concerned authorities to draw their attention, for the protection and promotion of FoE, press freedom, individual privacy and right to information. Then, FF reviewed newly drafted Press Council Act 2018 and submitted the initial review report to the Ministry of Communications and Information Technology on 18 July. Later on 10 August, FF submitted a complete review report along with the suggestion to the Ministry.

The proposed Press Council Act 2018 aims at replacing the existing Press Council Act, 1992. As Press Council Nepal itself took the initiation to formulate the proposed act, the act has been drafted as per the need of the changed context. A new section in the act has been provided which establishes press council as an independent organization having its own seal. Also the new act drafted by the Press Council has expanded its objective making the Council responsible to regulate the news circulation in social media sites such as Facebook and twitter.

Freedom Forum has identified the areas that were inconsistent with the global media practice and hence forwarded the recommendations and suggestions for the amendment of the proposed act. The act is currently at the Ministry of Communications and Information Technology for the final amendment. Moreover, FF re-submitted the review report on Muluki Criminal and Civil Codes to the Ministry of Law, Justice and Parliamentary Affairs on August 3. The submission of the review report on Muluki Criminal and Civil codes in the wake of their enforcement was an attempt to recall the Ministry about the FF's concern over the newly formed codes.

After the pressure the FF created to the concerned stakeholders including the line Ministry, the parliament finally made the amendments on the Codes. It is worth sharing that FF had in to

review had shown concern regarding the press freedom, criminalization of act for publishing cartoon and sarcasm, recording of statement and taking pictures without someone's permission that would automatically make them liable of privacy breach making the act criminal offence.

As per the amendment the parliament made on 23 September, the provision 306 (2) (c) - which had defined sarcastic caricature as defamation - was removed. A new provision 306 (3) (h) has been added which says 'the act done or any broadcast and publication made with the good intention that favors public interest, protection of virtue and morality does not amounts to the defamation.' Similarly, 'publishing and broadcasting such content with adequate reason does not count as defamation.' Freedom Forum had identified this provision before and suggested the Ministry to amend it. The Ministry and the parliament duly addressed FF concern and amended the provision. The FF's review is updated in its website.

Also, a new bill related to Individual Privacy was initially drafted by Nepal Law Commission. With the objective of collecting views about newly drafted bill from diverse stakeholders, a discussion program was held in Kathmandu on August 5. The review of the draft bill was prepared and submitted to the concerned authority i.e to Nepal Law commission on 10 August and Ministry of Law, Justice and Parliamentary Affairs on 13 August. With continuous lobby and advocacy with parliamentarians and concerned authority (i.e State Affairs Committee formed to look after the amendment of the bill), FF submitted a comprehensive report (3 column report) that comprises points on why particular provision on the bill needs amendment and what amendment must be done on that regard. The report was submitted to parliamentarians and State affairs committee on 6 September. The bill with the amendment also incorporated FF's suggestions by adding a separate section 34(e) in the act where journalists are given special privilege to write news for the issue of public concern that would not amount to the breach of privacy. Also journalist are given privilege to write news against the public post holder and people of public concern such as politician, celebrities etc..

FF had major objection regarding the provisions that were inconsistent with present Right to Information act. In the name of privacy, the proposed bill had tried to suppress RTI practiced in the public institutions guaranteed by the RTI Act.



*Freedom Forum had identified this provision before and suggested the Ministry to amend it.*

*The Ministry and the parliament duly addressed FF concern and amended the provision.*

House of Representatives passed the bill on 18 September with some changes that has particularly given journalist exemption from the breach of privacy if it is done with the intention of making general people aware about the public officials' misdeeds and abuse of authority and in the case of investigative journalism. FF attempt to create environment for amending the privacy law was constructive as the act was amended significantly and gave exemption to the journalist and RTI activist.

With this in progress, FF also reviewed the proposed communications policy of Province 5 and submitted review report to the Office of the Chief Minister and Ministry of Internal Affairs and Law on 26 September with the objective of facilitating the Ministry in making proper policy in the field of information, communication and freedom of expression in the changed context. The review of the policy pointed out the provisions inconsistent with the constitutional and international standards, existing National Mass Communication Policy and international best media practices. FF recommended some changes in the words and structures in the policy and made an attempt to channelize the provisions that were unstructured and random. Also FF suggested to incorporate the provision of internet based advertisement and prioritize gender inclusion and sensitivity in journalism.

FF pointed out some of the missing points such as policy arrangement for skill development of journalist and their safety issues and recommended the ministry to visualize the policy in order to attend SDG goal 16.10.2. The report also furnished recommendation for the amendment for such provisions.

# Media Feeble to Do Corruption Stories

Freedom Forum conducted a media mission from 10 to 13 July in the Province 1 focusing Jhapa, Ilam and Panchthar districts. The media mission was conducted in the wake of the formation of local levels and their activities and how favorable the atmosphere was for the journalists for free reporting; whether the investigative stories were reported; if there was any threats to them and whether the right to information was implemented well to ensure people's access to information were some pertinent issues the mission.

Because the journalists in the local levels have competition to be press advisor and media facilitators to the government agencies and political leaders, it has resulted in narrowing down of the scope of investigative journalism and critical news. It is one of the alarming trends observed during the mission. As is the case of journalists nationwide, the journalists in this area shared they do not get enough remuneration, which has led them to compromise with their professional integrity.

Interface meetings among the local level employees, district offices, civil society organizations and journalists were imperative

*Journalists may be misused as propaganda and advertisements because the journalists are focused on being media facilitator.*

to create atmosphere conducive for independent, fair and safe media. It will be helpful also to prepare critical mass through media and avoid local levels' manipulation of media and journalists.

Also found during the mission was- local levels, formed recently, has no proper system of information management. It is difficult for journalists to fetch news about the government affairs in that area. One of the major threats for professional journalism in the area is – journalists may be misused as propaganda and advertisements because the journalists are focused on being media facilitator, media counselor. There is need of the meetings between local level, district offices, municipality, sub-municipality and journalists.



## General Secretary Jha Awarded

Freedom Forum congratulates its General Secretary Dharmendra Jha for being awarded with Dayashankhar Palikhe Memorial National Journalism Award 2018. The award was given to Mr. Jha amidst a ceremony organized by the late Dayashankar Palikhe Family and Federation of Nepali Journalist (FNJ) Kaski Chapter in Pokhara on 29 July. The award carries the purse of Rs 33,333 along with the appreciation letter. Mr. Jha was honoured with this award for his continuous service to society through journalism for more than 30 years. Journalist Jha is also the former president of Federation of Nepali Journalists.

# Executive Chief Dahal bags Freedom Fighter Award

Freedom Forum congratulates its Executive Chief Taranath Dahal, for him being honoured with this year's 'Freedom Fighter Award'. The award was conferred on Dahal amidst a function organized by Panchthar Chapter of Federation of Nepali Journalists at Fidim on July 12. The award carries a purse of Rs 22,222 along with a letter of appreciation. FNJ Panchthar Chapter provides this award to a journalist every year in recognition of his/her significant contribution to strengthen civic liberties through journalism.

Mr. Dahal was honoured with this award for his tremendous efforts on lobbying and advocacy for freedom of expression, press freedom and right to information to build good governance regime across the country.



On the occasion, Mr. Dahal stressed the need for Nepali media to be more credible, dignified and professional and urged the government to not to bring any laws and Acts that curtain the freedom of expression and opinion regime.

Also speaking on the occasion, FNJ Central Vice-Chairperson and FF's Executive Member Bipul Pokharel, Fidim Municipality Mayor Omhang Nembang and Panchthar Panchthar District Coordination Committee Chief Bishnu Prasad Sapkota underlined the need of people-friendly and professional journalism. The program was chaired by FNJ Panchthar Chapter President Labdev Dhungana.

# Victim of Electronic Transaction Act

## A harrowing tale of detained journalist

I embarked on journalism since 1990 and worked for many media outlets. I became publisher of the Khojtalas weekly in 2006, which made me more energetic in this field. I mostly write about crime and security issues. I guess the police arrested me to take revenge for my reporting criticizing their misdeed.

The police started calling me within few hours after I published a news story about Harisiddhi Brick and Tile Factory and asked me to appear before the Lalitpur Police Office. Police Inspector Resham Acharya again called me to visit the office citing a complaint on cyber crime filed against me at the police, but I said that I could appear at the office only after a day. But, police came to my house in the very morning the next day and took me to the office.

After I reached the police office, I knew that there was a complaint of defamation from Balkrishna Ghimire for the news story about 'people's representative's attempt to occupy the Harisiddhi Factory land', which was covered by the Khojtalas Weekly and its online portal. The police released me after I agreed to publish refutation along with the complainant. I published the refutation as well.

Sometimes later, I found a news story on the same issue, which was covered by the Dristi weekly. I called its editor Mr Shambhu Shrestha and took permission to publish the news. He nodded for it. Then I published the news giving due credit to the [www.drishtinews.com](http://www.drishtinews.com) . The police again summoned me at the office for general inquiry. I thought I didn't make a mistake, so decided to go to their office. But, when I reached the police office, they handcuffed me and took to hospital for medical report. The hospital found no health problems on me, and asked if I had any wounds. Then police started recording my statement at the office in Jawalakhel, Lalitpur. The police did not allow me to meet my family members and journalists related organizations like Freedom Forum. The case was a cyber crime one initiated as per Electronic Transaction Act, but the police asked me unrelated questions during the inquiry.

I faced 18 questions on the day and they took me to the court for extending my detention. The



Raju Basnet\*

police behaved rudely with me and extended detention for another four days. I carefully tackled the statement recording. Although the government attorney is responsible for recording statement in such cases, the police itself recorded my statement. It was full of suspicion. It was as if I committed a criminal offense. Later I came to know that after the Crime Division of Nepal Police denied case, Lalitpur police itself forwarded it.

The police invited me for discussion at the office on the fourth day. Press Council acting chairperson, officials and chairperson of Federation of Nepali Journalists were also present at the office. Sambhu Shrestha, who originally published the news was also there. I am not sure they came there to protect me because they didn't lobby for my release until Shambhu Shrestha was invited at the police office.

I still believe I was detained due to my political belief, I strongly believe in democratic ideology. Because they did not take action against the weekly which originally published the news, the complaint was just to afflict me. The police did not allow me to talk to the media even after the court asked for me release.

*I still believe I was detained due to my political belief, I strongly believe in democratic ideology. Because they did not take action against the weekly which originally published the news, the complaint was just to afflict me. The police did not allow me to talk to the media even after the court asked for my release.*

I think the incident happened to me is in the wake of the increasing press freedom violations in Nepal. The police accused me of violating recently enforced Civil Code, but the complaint against me was related to cyber crime. The government has included anti-press provisions in the recently enacted laws and I have also learnt that new law on communication technology is drafted with stricter provision against press freedom.

My staffers did not update the online about my detention in the first due to fear that they could also land in police custody. However, they later continued the online updates and publication of weekly regularly. Police tried to seize data of my office computer at first, but they backtracked when I challenged that they could not do that under any law. Despite this, they inspected my office and prepared initial report about details of computer and other assets at my office.

\* Basnet is Chief Editor, Khojtalas weekly and [www.khojtalasnews.com](http://www.khojtalasnews.com)

(Based on the interview given to Legal Officer Ashmita Pokhrel and FF's representative in Province 3, Ashok Dahal)

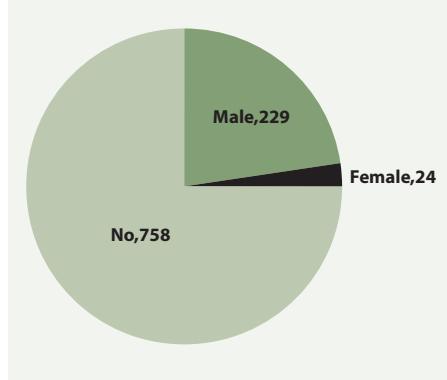
# Female Byline Increases by 0.5%; Female Sources by 3.4% in Provincial Broadsheet

In line with federal setup, the 753 local levels and seven provinces are now preparing to formulate and endorse their policies and programs. Most of the programs have failed to mainstreaming the women related issues and problems. Similarly, in view of the provincial structure, media too are expanding their coverage in the provinces. Needless to state, media is the major source of information to public. Hence, media should play significant role in creating atmosphere conducive for gender-friendly policies and programs.

With this in background, Freedom Forum expanded its regular monitoring into provincial news contents of the media outlets in order to collect quantitative evidence on representation of women in their contents. The monitoring is supported by the Free Press Unlimited (FPU), a Netherlands –based organization working on press freedom in various continents. This report includes data generated after monitoring 21 newspapers, each of three from seven provinces from January to March 2018. Four main news stories were selected from all the newspapers and scanned for their bylines, news sources and stories about women. Data generated from the monitoring are entered into MS-Excel and further analyzed to observe presence of male and female in media contents.

However, the study is limited to only main news contents ignoring international news, advertisements, op-eds and other dedicated news pages.

**FIGURE 1: GENDER IN NEWS BYLINE**



## Key findings

### January-March

- Among a total of 978 news stories monitored, only 22 were by female and 231 by male.
- Province 7's Hill Times daily contained maximum number of female bylines.
- Only 183 among 1,794 sources quoted in the news contents monitored are female.
- Dailies monitored from Province 3 showed the highest number of both male (287) and female sources (40).
- Media outlets from the seven provinces too, are dominated by the political news similar to those of national dailies.
- Notably, maximum number of female byline and source is found in the news related to social and legal issues.

### April-June

- From the 1008 news monitored, 24 news contain female byline and 229 contain male byline. Female in byline increase by 0.5% in this quarter.
- This time too, Hill Times daily contributed to the highest number of news with female bylines.
- Among total 2343 person sources quoted in the news contents, 332 are female. Women as news sources increase by 3.4% in this quarter.
- Prateek Dainik (Province 2) contained the highest number of male sources while, Paschim Today (Province 7) contained the highest number of female sources.
- Overall business, social and legal news dominated the main pages of Provincial media.
- Similar to previous data, maximum number of women in byline and as news sources are recorded in the social and legal news.

## Name of the media outlets monitored

**Province 1-** Blast Times, Udghosh and Purwanchal daily

**Province 2-** Krishna, Prateek and Janakpur Today

**Province 3-** Kayakairan, HetaudaSandesh and Parsdarshi

**Province 4-** Samadhan, AdarshaSamaaj and lokvaani

**Province 5-** Dainik Nepalganj, Butwal Today and Nayayugbodh

**Province 6-** Malika Post, Hamro Akhabar and Paribartan daily

**Province 7-** Sundaranchal, Hill Times and Paschim Today

## NEWS BYLINES

Three-months long monitoring of 1,008 news stories from different 21 provincial dailies showed 253 bylines. Among those, only 9.5% are of female and 90.5% are of male while 75% of the total news contained no bylines.

Comparing among the provinces dailies from Province 7 contain maximum number of female in bylines, whereas those of Province 1 contain maximum number of male in bylines.

Among all, Hill Times daily from Province 7 contains the highest number of female bylines (8) and Blast Times from Province 1 contains the highest number of male bylines (27). Nine different dailies monitored from Provinces 1, 4 and Karnali (6) did not show any female byline.

## News Sources

Following the byline, the news stories were further scanned for sources quoted directly or indirectly. There were a total of 2,547 sources in 1,008 news, among which 8% were secondary as data, reports, press statements, court statements, etc.

Among a total of 2,353 persons in news sources derived from the news, 14.2% are women and 85.8% are men. The highest number of male sources is found in the dailies from Province 2 (436), whereas that of female sources is found in the dailies from Province 7 (75).

Specifically, Paschim Today published from Province 7 quoted maximum number of female

sources (37) among all the 21 newspapers monitored. On the other hand, Prateek Dainik published from Province 2 quoted maximum number of men as news sources (194).

## News Headlines

During the monitoring period of April to June 2018, total 1,008 news stories were scanned from 21 main dailies published from seven provinces.

While scanning contents for their headlines category, almost 25% of the news items were related to social and economic issues followed by 20% political issues (figure 2).

In contrast to the national level dailies monitored during the same period, provincial dailies showed better diversity of the news items.

News items from the dailies monitored from Provinces 1, 3, 4 and 7 contain maximum number of social and legal news, while those from Provinces 2, 5 and 6 (Karnali) contain maximum number of business news..

## People in the news and headlines

After scanning the news stories for their byline and sources, their relation with the news headlines is also analyzed.

According to the Figure 3, maximum number of women in byline and as news sources are found in the news related to social and legal issues.

Secondly, women are found maximum in both byline and as sources in the news related to economic issues in all the dailies monitored from the provinces. Contrarily, male in both the byline and as news sources is found maximum in the economic news.

## Women in the news stories

Among 1,008 news stories monitored, 54 were stories about women among which only 23 challenged stereotype and remaining still highlight gender inequality. Among others, maximum number of news stories monitored from the dailies of Province 4 were about women.

Some of the stories challenging stereotype are as follows:

a. *Crimes involving children on rise (Naya Yugbodh, June 28, Ghorabi):* The news describes increasing number of girls being victimized by the boys. The news also refers to the cases registered in the district court where majority of the cases were about rape and most of the convicts were minors. News also quotes experts who

# News Portals Diverse than Print Media

This September reaches two years of the continuous monitoring of the media contents through gender perspective. Starting from the major nine national broadsheets, FF expanded its monitoring to major six online news portals and 21 major dailies in seven provinces. This activity is a part of the project 'Enabling conducive atmosphere for free, safe and inclusive media (ECAFSIM)', funded by Free Press Unlimited, a foundation based in Amsterdam, the Netherlands, working on FoE and press freedom issues around the world. Major findings of the monitoring in the recent three months, July-September, are presented here:

## Print Media

(Total 863 news stories from the main pages and 200 op-ed articles of the nine national dailies were scanned during three months-July to September for their bylines, sources, and how the issues in women are presented.)

1. Among 61% (528) of the news and articles with byline, 10% show female bylines and 90% show male bylines.
2. In the op-ed section of the outlets monitored, 22% articles are written by female authors. Kantipur daily's op-ed page has been found to be more gender inclusive compared to other broadsheets.
3. Among 1,705 persons quoted in the sources of the 863 news, 89% are men and 11% are women.
4. Among total 1,063 news and articles monitored, 36% were related to politics and government followed by 29% social and legal news and 16% business news. The least published news items on the main news pages of the dailies were about media, celebrities, sports and entertainment.
5. Highest number of male byline and news sources is found in the news on politics and governmental issues.
6. Similarly, highest number of female byline and female sources is recorded in the news related to social and legal issues.
7. Trend analysis of the news byline and sources recorded during previous six months revealed that in this quarter number of news with female byline increased by 1% while their presence as news sources increases by 2%.
8. Overall, news from Nagarik and Republica dailies contained maximum number of women in byline, whereas those from Kantipur contained maximum number of women as news sources and article writers.
9. Looking into the stories about women, among 57 stories, about women 25 challenged stereotype against those.

## Online Media

(Total 360 news stories were scanned from six major online portals for their byline and sources during these three months.)

1. Among 360 news stories, only 140 news stories contained byline where 24% on the news contained female byline and remaining 76% contained male in byline.
2. In case of news sources, 502 were identified as person sources, among which 91% are men and only 9% are women.
3. In comparison to news published on the print media, those published on the online portals are found to have covered different issues on the main news sections even though majority are those about politics (30%) followed by social (26%) and legal news.
4. Contrary to print media, highest number of both male and female byline is recorded from the news related to social and legal issues.
5. While for news sources, male sources are found maximum in news about political affairs and female sources in the news about social and legal issues.
6. The trend analysis for the last six months of female in byline reveals that in this quarter it increases by 6% but for their presence as new sources decreases by 2%.
7. Among all, news from Setopati contained the highest number of women's presence both in byline and as news sources.
8. Among 43 stories about women, only 14 stories presented women in the challenging role against the existing stereotype.

opined that crime of the minor is forgiven as juvenile delinquency and this may be one of the reasons provoking those towards committing more crimes.

**b. Drunk family head afflicts members**

(*Malika Post, June 8, Dailekh*): The story is about a woman and her children who are forced to suffer from various problems because of her drunkard husband. The family even does not know his whereabouts and the woman is under protection of her parental family for the sake of her children's future. She urges local government to provide aid for her family. Hence, the story perpetuated stereotype.

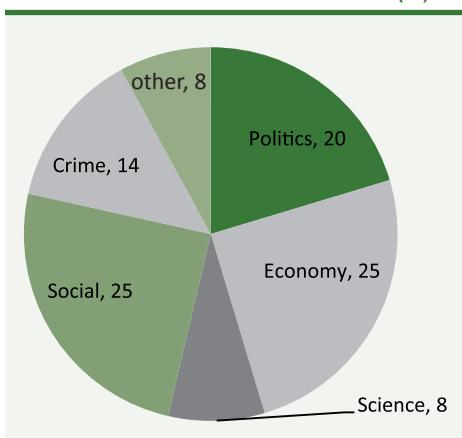
**c. Radha welcomed after returning to village**

(*Pashim Today, April 15, Dhangadi*): This is a story about Radha, who was brutally attacked by the locals after they alleged her of practicing witchcraft. She was even displaced to Dhangadi from her village Deukaliya. Later, she was rescued by local social workers. Locals also committed to fighting against existing stereotype on women in the society and welcomed Radha offering her vermillion powder and garland. This incident of far-western region of Nepal is a good example where women receive respect in their society hence, the story breaks gender stereotype and warrants further analysis.

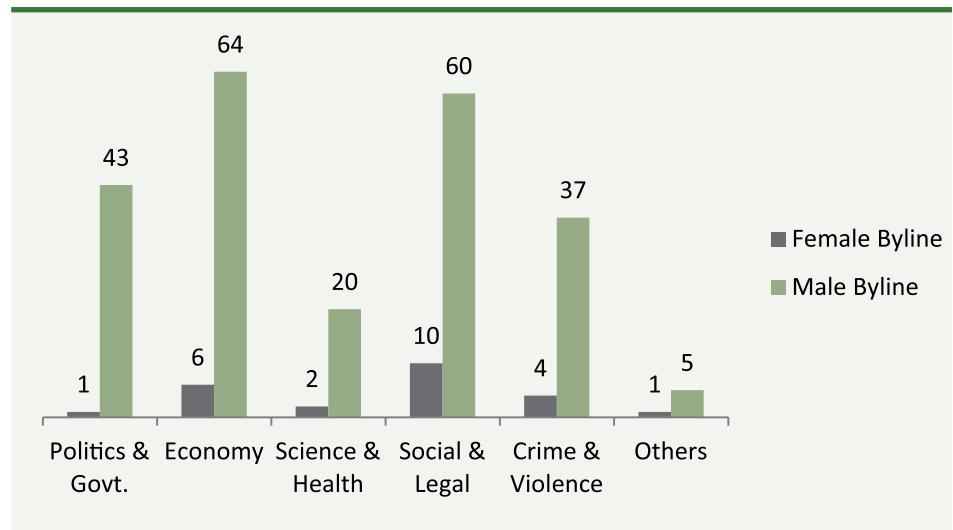
**d. 24 rape cases in six months, 22 girls victimized** (*Krishna Daily, June 21, Rajbiraj*):

The news is based upon a report presented by an organization after recording number of rape cases during six months. News quotes the report as saying- there were a total of 24 registered rape cases. Among these, 22 of the victims were minor girls as young as 2 and 3 years of age, while remaining 3 were women. Such data clearly depict how females are more vulnerable to the physical attacks since the early ages. Lack of immediate action against culprit is

**FIGURE 2: TOPIC-WISE NEWS DISTRIBUTION OF ALL 7 PROVINCES (%)**



**FIGURE 3: NEWS BYLINE VS NEWS HEADLINE**



also another factor behind increasing rape cases. Hence, the story depicts the society is still full of intimidation on women.

**e. Female teachers protest for their rights** (*Udgbosh Daily, June 12, Biratnagar*):

The news covers the protest carried out by female teachers in a school. They demand the administration to increase facilities provided by the government to them. They have submitted a memorandum of understanding on increasing their salaries and allowances at Province 1 Ministry of Social Development. This story challenges stereotype about women who are able to fight for their rights.

**f. Teenager Mothers** (*Kayakairan Daily, May 26, Makwanpur*): The news collects stories from teenage mothers who get married and give birth to babies during teenage. Most of the Chepang (indigenous community of Nepal) girls are forced for early/child marriage, which results in several health problems including complications during delivery. They are not even advised to visit hospital during their pregnancy, says the news. Hence, the story clearly perpetuates stereotype about women in the society.

### Comparative analysis

While comparing the data of monitoring from first quarter (January-March 2018) and second quarter (April-June 2018), female in the news bylines show slight increase- by 0.5%. Similarly, this three months monitoring witnessed increase of women as news sources by 3.4%.

Dailies from Provinces 2, 5 and 7 show increase in the number of female bylines than in first three months. Provinces 1, 2, 4, 6 and 7 show significant increase in the number of women as news sources.

### Conclusion

- This three month long monitoring of news stories from 21 daily dailies of seven provinces recorded increase in number of women both in byline and as sources.
- However, their presence in byline is minimal (9.5%) as compared to their male colleagues; their voice in the news contents show slight improvement (increase by 3.4%) compared to the previous three months.
- While the national dailies still publish politically dominant contents in their main pages, provincial dailies show fair diversity in their news. Most of the dailies published social and business news more than those of political news during these three months.
- Analysis of the relation between news headlines and presence of women in the news revealed that social news accommodated maximum number of women both in byline and as news sources. Hence, data asserts to the fact that news with female byline quoted more women as sources.

### Suggestions

After monitoring the news contents provincial outlets, FF has made following suggestions:

- As 75% of the stories still lack byline, news desk should encourage their reporters providing byline to their news except for those in informal and investigative stories.
- Despite the presence of national newspapers, number of female journalists is few in the provinces. So, those involved in journalism must be encouraged and motivated for the main beats.
- Journalists (both male and female) must be encouraged to quote as many female sources as possible along with male sources while reporting the news.
- The media houses should increase number of female journalists in their organization, formulate gender-friendly editorial policies and create gender-friendly workplace as well. 

# 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	<p><b>Taranath Dahal:</b> Executive Chief, coordinates overall organizational and administrative affairs</p> <p><b>Aruna Adhikari:</b> Finance and Administration Officer, looks after accounting and administrative affairs and performs responsibilities as the Information Officer.</p> <p><b>Nanu Maiya Khadka:</b> Gender Monitoring Officer, responsible for monitoring media content on gender perspectives</p> <p><b>Manju Ojha:</b> Front Desk Assistant</p> <p><b>Kamal Poudel:</b> Driver</p> <p><b>Ganga Kumari Gurung:</b> Office Assistant</p>																
Projects	<p><b>Krishna Sapkota-</b> SUSASAN, <b>Narayan Ghimire-</b> ECAFSIM, <b>Siromani Dhungana-</b> SUSASAN, <b>Sanjeeb Ghimire-</b> EEMIR <b>Bhawana Poddar-</b> EEMIR, <b>Bobbish Dhakal-</b> EEMIR, <b>Kumar Chaulagain-</b> EEMIR, <b>Ashmita Pokharel-</b> ECAFSIM <b>Pramod Bhattarai-</b> ECAFSIM, <b>Shanti Chaulagain-</b> ECAFSIM</p>																
Ongoing Project Information	<table border="1"> <thead> <tr> <th>Project Name</th> <th>Supporting Agency</th> <th>Date of Signing the Contract</th> </tr> </thead> <tbody> <tr> <td>Amendment of the Right to Information Act</td> <td>The Asia Foundation (TAF)</td> <td>26th September 2018</td> </tr> <tr> <td>Enable Environment for Media Law Reforms and Improved RTI Practice (EEMIR) (CS-MAP)</td> <td>FHI 360</td> <td>30 Dec 2016</td> </tr> <tr> <td>Enabling Conducive Atmosphere for Free, Safe and Inclusive Media (ECAFSIM) in Nepal</td> <td>Free Press Unlimited (FPU)</td> <td>29th March 2018</td> </tr> <tr> <td>Sustainable use of Technology for Public Sector Accountability in Nepal (SUSASAN)</td> <td>CECI</td> <td>17th April 2017</td> </tr> </tbody> </table>	Project Name	Supporting Agency	Date of Signing the Contract	Amendment of the Right to Information Act	The Asia Foundation (TAF)	26th September 2018	Enable Environment for Media Law Reforms and Improved RTI Practice (EEMIR) (CS-MAP)	FHI 360	30 Dec 2016	Enabling Conducive Atmosphere for Free, Safe and Inclusive Media (ECAFSIM) in Nepal	Free Press Unlimited (FPU)	29th March 2018	Sustainable use of Technology for Public Sector Accountability in Nepal (SUSASAN)	CECI	17th April 2017	
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Sustainable use of Technology for Public Sector Accountability in Nepal (SUSASAN)	CECI	17th April 2017															
Services Offered/ Activities Carried Out	Research, capacity development and policy advocacy including media monitoring, trainings on RTI and journalism, meetings, workshops, seminars and other campaigns to promote issues of democracy, RTI, FoE, fiscal transparency, human rights, local governance. It also provides legal aid to journalists, media and information seekers.																
Responsible Authority	<b>Chairperson:</b> Hari Binod Adhikari, <b>Executive Chief:</b> Tara Nath Dahal																
Decision Making Process	<p><b>General Assembly:</b> Making policies, rules and regulations of organization</p> <p><b>Executive committee:</b> Formulation of action plans as per constitution of organization, rules and regulation</p> <p><b>Management team:</b> Running projects and daily operational affairs and reporting timely to the Executive Committee.</p>																
Past and Current Activities	Please follow the link: <a href="http://freedomforum.org.np/content/category/activities/">http://freedomforum.org.np/content/category/activities/</a>																
Information Officer	Aruna Adhikari																
Financial Information	Freedom Forum received grants announcing Rs. 6,804,868 (July to September 2018)																
Official Website	<a href="http://www.freedomforum.org.np">www.freedomforum.org.np</a>																
Publications of Freedom Forum	Freedom Forum has over 50 Publications (printed) Please Follow the Link: <a href="http://freedomforum.org.np/content/publications/">http://freedomforum.org.np/content/publications/</a>																
Annual Report	<a href="http://freedomforum.org.np/content/publications/reports/annual-reports/">http://freedomforum.org.np/content/publications/reports/annual-reports/</a>																
Mechanism for Information Dissemination	Websites- <a href="http://www.freedomforum.org.np/">http://www.freedomforum.org.np/</a> ; <a href="http://www.nepalpressfreedom.org">www.nepalpressfreedom.org</a> , and Newsletter-Free Expression																

## FF in International Forum

### I. Executive Chief Mr. Taranath Dahal participated in the Open Government Partnership Summit 2018 held in Tbilisi, Georgia from 17 to 19 July.

Representatives from OGP's 96 national and local participants – heads of state and governments, ministers, public servants, members of parliament, local authorities, civil society representatives, international foundations, researchers, academia and journalists gathered in Tbilisi to promote their achievements

and discuss the challenges in upholding the principles of open government. The OGP 2018 Global Summit will focus on civic engagement, fighting against corruption, and public service delivery. The objectives of the Summit was to promote peer learning, inspire OGP reformers to raise the level of ambition, and push the open government agenda forward to address new challenges and improve the lives of citizens around the world.. The summit was a 5th OGP global summit.

### II. FF's policy advisor Krishna Prasad Sapkota International Budget Partnership Audit Accountability Meeting held in Accra, Ghana from 26 and 27 September.

The meeting brought together various experts from supreme audit institutions, civil society and international organizations to explore how improved communication of audit recommendations and enhanced engagement between key oversight actors from within and outside government. Participants also discussed plans for an initiative to build awareness and catalyze collective action to strengthen responsiveness to audit recommendations.

# Rights Groups Call for Public Inquiry into Daphne Caruana Galizia's Murder

ActiveWatch – Media Monitoring Agency, Committee to Protect Journalists (CPJ), IFEX, Index on Censorship, International Federation of Journalists (IFJ), International Press Institute (IPI), PEN American Center, PEN International, Reporters Without Borders (RSF), South East Europe Media Organisation

Dear Prime Minister Joseph Muscat,

I write to you on behalf of the European Centre for Press and Media Freedom and 24 organisations (listed below) representing thousands of journalists and human rights activists concerning Malta's response to the assassination of journalist Ms Daphne Caruana Galizia.

Following her murder on 16 October 2017, the Maltese authorities initiated criminal proceedings against the men who allegedly detonated the bomb that killed Ms Caruana Galizia and a parallel magisterial inquiry into whether others should be charged with criminal offences for commissioning the alleged assassins. Both the criminal proceedings and magisterial inquiry focus solely on criminal culpability. Neither process is investigating the wider and

even more serious question as to whether the Maltese state is responsible for the circumstances that led to Ms Caruana Galizia's death.

Article 2 of the European Convention on Human Rights requires Malta - as a Member State of the Council of Europe - to comply with its protective obligation by examining (a) whether Malta knew, or ought to have known, of a real and immediate risk to Ms Caruana Galizia's life; (b) the adequacy of any steps taken by Malta to guard against that risk; and (c) any steps that Malta needs to take to prevent future deaths of journalists and/or anti-corruption campaigners.

On 9 August 2018, a team of international lawyers from Doughty Street Chambers and

Bhatt Murphy Solicitors in London issued a legal opinion finding that Malta has failed to institute any inquiry into whether the Maltese state bears any responsibility for the loss of Ms Caruana Galizia's life. Following the legal opinion, the family has submitted the following request to your government:

To establish a public inquiry under the Inquiries Act that is completely independent of the Maltese police, Government and politicians, and that is conducted by a panel of respected international judges, retired judges and/or suitably qualified individuals with no political or government links.

We fully support the request and urge you to reconsider your position[1] and to respond immediately and positively to the request of the family of Ms Caruana Galizia. Protecting the lives and voices of journalists in Malta and across Europe depends upon this public inquiry. There is nothing to fear from this inquiry but the truth. Seeking justice for Ms Caruana Galizia and protection for those who continue her legacy remains our top priority.

We would appreciate your written response to our appeal.

Flutura Kusari  
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The European Centre for  
Press and Media Freedom  
kusari@ecpmf.eu  
+383 49 236 664

Sources: <https://www.ifex.org/malta/2018/10/08/daphne-caruana-inquiry/>



Photo: pen-international.org

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

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