



A Newsletter of Freedom Forum Free Expression

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Aid Transparency Slow off Mark

Transparency in any firm, organization or project is a must to maintain accountability and ensure good conduct. As a mighty tool to democratic practice, the transparency unquestionably needs to be an integral element in foreign aid (or development assistance). In this connection, the study on aid transparency in Nepal can be of tremendous importance. The questions as: What's donor agencies' information reach out mechanism? How easily do the donor agencies disclose budgetary information? Are there any discrepancies between the information provided in the project/district offices and beneficiaries? How far are they abiding by the RTI Act of Nepal? Do they have designated officer to share information?

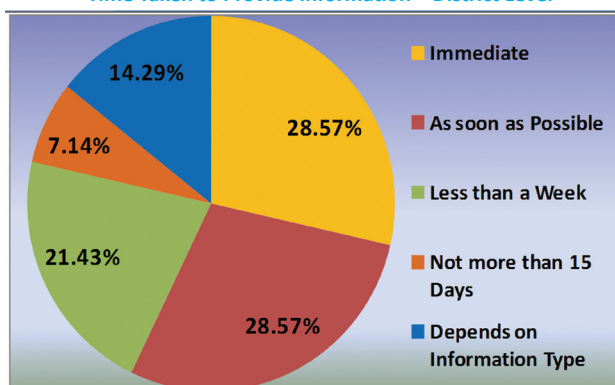
Taking the broader areas of aid transparency issues, including the ones mentioned above and others, the Freedom Forum, in collaboration with the Development Initiatives Poverty Research Ltd., UK, took up an uphill task- a pilot study on 'Aid Transparency Situation in Nepal' from 25 November 2011 to June 30, 2012.

Setting the broader objective of contributing to achieving national developmental goal through improved accountability, transparency and aid effectiveness in foreign assistance in Nepal, the FF chose seven donor agencies- the World Bank, ADB, DFID, JICA, Norwegian Embassy and USAID which representing multilateral, bilateral and UN agencies for the pilot study. Similarly, two districts of Nepal - Dolkha and Chitwan- were selected for information verification at district level. Five beneficiaries from each district were selected

as respondents of the research.

The FF set the specific objectives as a) to assess the aid transparency and accountability situation amongst the leading donor agencies

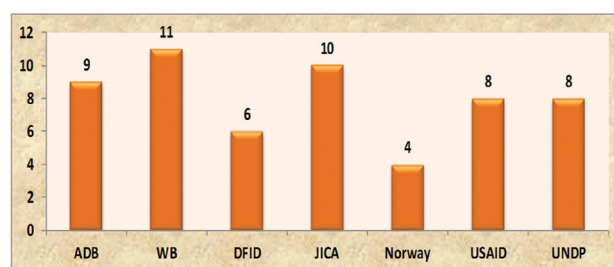
Time Taken to Provide Information – District Level



in Nepal and b) to collect evidence on the best approaches to achieve the above and amplify lessons about the importance of transparency at country level.

Similarly, major approach adopted in the study was sample survey, while decision on the use of the approach and size of sample was made in consultation with Aidinfo and subject experts. Purposive sampling methodology was used to select donor agencies for the survey. They were chosen basically keeping in mind their funding size, functional commitment for accountability/transparency and regional representation and balance. Also, among the districts chosen for Chitwan represented

Sharing of Project Specific Information - Central Level



central region/inner Terai while Dolkha the central region/mountainous. Moreover, ten project beneficiaries (key informants), five from each district, were selected to have their opinions on the aid transparency and accountability. On June 15, 2012, the FF organized a Workshop on Sharing of Findings of Aid Transparency Situation Study in Nepal. It was attended by the stakeholders.

As a pioneer task, the study revealed some interesting facts on aid transparency situation in Nepal. The major **findings** of the study are as follows.

- All agencies at central level reported that they share aid and project information with different stakeholders but level of information sharing is different. All agencies in Dolkha district are sharing information with CSOs whereas only one agency has shared such info with them in Chitwan.

- Organisational policy and transparency and accountability have been the major motivating factors for information sharing amongst the agencies both at central and district levels.
- Project agreement, policy documents and budget information are key information that all agencies normally share at central level.
- There are a total of 164 running projects of the seven sampled agencies and a large

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Govt. Gags Free Press

To gross violation of press freedom, the government led by the Unified Communist Party of Nepal (Maoist), despite concerns rife over its step to control state-run media, demoted Acting General Manager of Nepal Television (NTV), Deepak Mani Dhital, on June 18, 2012, for broadcasting live the mass gathering of 27 opposition parties from Khulamanch in the capital on June 8, 2012.

The government move has proved that it was making environment to impose authoritarianism by panicking media persons and controlling media house.

"At a time the state-run media were in need of getting transformed into the public broadcasting agencies, the government act to demote Acting General Manager Dhital has misused the state media and shown authoritarian character.

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Outreach Mechanism for Information Sharing – Central Level

S.N	Outreach Mechanism	Multilateral		Bi-lateral			UN		Total	
		ADB	WB	DFID	JICA	Norway	USAID	UNDP	Number	Percent
1	Own Disclosure Policy	✓	✓	✓	✓	✓			5	71.43%
2	Legal Frameworks		✓	✓			✓		3	42.86%
3	RTI ACT of Nepal		✓						1	14.29%
4	Project Launching	✓	✓	✓	✓			✓	5	71.43%
5	Web Portal	✓	✓	✓	✓	✓	✓	✓	7	100.00%
6	Media	✓	✓	✓	✓	✓	✓	✓	7	100.00%
7	Others		✓				✓		2	28.57%
Total		4	7	5	4	3	4	3	4.29	53.57%



Message From the Chairperson

The 1990 constitution of Nepal had mentioned well about the freedom of expression and media freedom with the Right to Information (RTI) enshrined under the fundamental rights. The legal set up about RTI was however inadequate

because it lacked the part that how a citizen could use RTI and be benefitted. On the other hand, the political parties and the bureaucracy were almost indifferent to this, as they knowingly unknowingly failed to realize the importance of RTI. It made the media and rights defenders come together for democratic culture with transparency and accountability in the public agencies by translating RTI provision into a strong legal document with the formulation of the RTI Act. However, it was not that easy to persuade governments for they gradually witnessed instability. A rigorous and untiring struggle for 15 years finally led to the formulation of the RTI Act in 2007 and the RTI Regulations 2008 following the People's Movement II. The RTI Act was indeed one of the significant achievements of the Peoples' Movement II. It was the Freedom Forum that took a lead in the citizens' movement to trigger the RTI movement.

Formulated with the aim of making more open and democratic system and society within the State with the transparency in the public agencies and accountability towards people, the RTI, however, has not been utilized the way it was expected to despite the passage of five years since its adoption. It is high time the stakeholders reviewed thoroughly why this important law framed with exhaustive efforts is slow of the mark. Different sectors are responsible for weak implementation of the RTI Act as per its aims and spirit. Lack of will power, commitment and preparation on the part of the State is largely responsible for this. First, the RTI Act was brought at a time when the country was striving for sweeping change with political transition. Settlement of peace process and constitution writing were the most important issues before the governments since then. As result, the government did not mainstream the RTI Act though it was the best tool to promote good governance, to fulfill people's democratic wills and to bridge the widening gap between government and the public. Instead of creating favourable atmosphere for the smooth implementation of the Act, the bureaucracy created hurdles time and again and manifested the old culture in governance. Obviously, the bureaucracy acting in secretive was hostile to the implementation of the Act. Although the RTI has the crosscutting value affecting the issues of democratic governance and politics for human rights and developments, the bureaucracy falsely took it as distinct disciple. Similar is the exposition of the political parties for not enhancing the RTI Act. Both government bodies and other public agencies have not appointed information officers and if any has, they are incompetent and unaware of the RTI knowledge. It can not be avoided that the political instability following the People's Movement II became unfavourable for the better practice of the RTI laws.

Despite political instability, hostile bureaucracy and indifferent political sectors, the RTI is survived- survived by the campaign and utilization by the civil society initiatives as Freedom Forum did. Freedom Forum, as a pioneering institution to formulate the RTI Act, had vital role to protect, promote and utilize the Act for its meaningful survival. Some success stories include exposure of millions worth VAT scam, disclosure of telecom service providers' license and TOR of the service, rights to students to see their answer sheets, receipt of the detailed information about a fund on Koshi floods, parliament transparency with receipt of its reports, making public the reports of various probe commissions, exposure of irregularities in Nepal Oil Corporation (NOC) with the receipt of information about free distribution of petroleum products and others cases that are directly related to the rights of people and concerns. It happened all because of the exploration of the wider scope of the RTI which is one of the best legal documents of the world. Moreover, a historic convention on RTI was conducted in 28-29 March 2011. The convention brought together the head of the State, President, concerned minister, government officials and national and international experts and participants to discuss the RTI implication in Nepal and the countries around. Needless to say, the convention too played a constructive role to build favourable atmosphere for the establishment of RTI regime in Nepal.

The Freedom Forum best utilized this as a tool to make public bodies transparent and accountable to the people with constructive cooperation with government and its bodies. Though little, an aware group/circle ranging from politicians, journalists, rights activists, to civil society organizations, community groups and students has been established in the country that has been advocating the use of RTI for good governance. It is also the achievement of the RTI we are proud of. The secrets that jeopardized the government mechanism has been gradually exposed showing how ill practices have crippled our government bodies thereby hindering and preventing services to the needy people.

RTI is for the democratization of overall society; it is a great tool bridge the widening gap between the people and citizen and vehicle for broader reform. Therefore, there is no denying that there is growing relevance of RTI. It is in need of reaching the public through media, campaigners and the stakeholders so that the grassroots people would be benefitted and feel the ownership bringing change in the livelihood, claiming entitlement and development and exposing corruption. We can hope the RTI would gain further ground and spread regime as the political consensus is signaling positive note on peace process that paves ways for the way out in the country. Once the political instability fizzles, the RTI obviously emerges robust.

Tara Nath Dahal
Chairperson

Open Development Public Forum

The Freedom Forum and the World Bank Nepal jointly organized Open Development Public Forum in the capital on June 11, 2012 in a bid to promote transparency, accountability, and citizens' participation in development.

The Open Forum discussed three aspects of open development – open data and knowledge, open operations and tools and open solutions.

Information was also shared on various tools and platforms like the bank's open data, open finances, mapping for results and open knowledge repository as well as the access to information policy which includes strengthening public ownership and oversight of Bank-financed operations.

On the occasion, World Bank Country Manager for Nepal, Tahseen Sayed, said the World Bank was committed to keep pace with the fast paced developments of information technology in today's world which had opened up frontiers of knowledge and made information accessible within seconds.

As part of this modernization agenda, we have embarked on the Openness Initiative which means open bank, open development, open government, he added.

These efforts towards fostering greater transparency and openness stems from a realization that open access to data and information empowers citizens, advocacy groups, civil society and their governments and policy makers to make better-informed decisions.

Results are central to our entire work and accurate information on results is essential for improving performance and assessing if development interventions are on track or not, according to him. The programme was chaired by Taranath Dahal, Chairman of Freedom Forum.

Police Plot to kill Journo Jha

It is shocking that the security personnel responsible for the security for entire population themselves turn terrorists to people, making the murder plan.

Sub-Inspector of Police, Manoj Poudel, allegedly hatched a plot to kill journalist Abadhes Kumar Jha, reporter with the *Kantipur* and the *Kathmandu Post* dailies from Sunsari, a district in the southern plain of the eastern part of Nepal. The murder plot came to light on 21 July 2012.

Journalist Jha said he got an audio clip that recorded a conversation between unknown persons and SI Poudel. In the conversation, he was ordering the unknown persons to attack journalist Abadhes and break his hands and legs.

Moreover, he was seeking help to

kill journalist Jha. He was using local Maithili language while making such call. Importantly, SI Poudel was saying he was getting retired within a week and finishing off Jha. Inquired about any animosity with SI Poudel, journalist Jha said, "I had written a news story of a stolen motorcycle being used by SI Poudel last year. Since then, he was talking of attack and threats on me with his friends."

It is worth mentioning that the State body to protect people from every risk has turned hostile to journalist merely for informing public about social malpractices.

It is not only a case of press freedom violation but also of violation of right to life. Freedom Forum demanded tough action against the perpetrator.

JOURNALIST ATTACKED

Reporter with the *Bageshwori FM* of Nepalgunj, a city in the mid-west of southern plain in Nepal was attacked by an unknown gang on July 17, 2012. Talking to Freedom Forum's Media Monitoring Desk, journalist Giri said he was attacked by an unknown gang while going to Office-Bageshwori FM. However, he managed to escape injuries, he added.

He also works as a reporter to a local *Nepalgunj Parivesh daily*. It is noted here that he was attacked on April 29, 2011 and issued death threat on March 8, 2011 by the unknown gang. Giri was issued death threat and attacked last year over the news he published about the underground armed outfit waging struggle in the southern plain.

Right to Privacy Violated

With the growing use of technical gadgets, modern-day work and environment has been largely changed with efficiency, better performance and fast communications.

Despite this, there are several cases of the misuse of the gadgets. Here in Nepal, the news was rife that the right to privacy was violated by a responsible body of state, the police administration, with the misuse of the call details record (CDR) and SMS records.

Right to privacy is also a part of the freedom of expression which keeps freedom of expression and right to information in balance. But, in the name of an investigation into the murder of a justice of the Supreme Court, Nepali Police collected thousands of such CDR and SMS records which are not essentially linked to the crime.

With the gathering of the CDR and SMS records, the chances of breaching one's right to privacy is very high. The right to privacy is an inherent and most inviolable right of a person which needs to be respected and protected as per the law.

Therefore, police administration needs to create certain criteria to use the CDR for the probe purpose thereby respecting citizens' right to privacy which is equally important to the right to freedom of expression.

Death Threats Unabated

Freedom Forum has recorded seven incidents of death threats during this three month- June to August 2012. It is quite abhorring that even a responsible State body- political administrations – has involved in issuing death threats to journalists thereby suppressing the freedom of expression and right to information.

An unknown person issued death threat on Arjun Bhattarai, reporter with the *New Karnali monthly*, by phone. Reporter Bhattarai said, "Without any reason, an unknown person warned me of killing if I continued reporting any more." The phone number is 9816512357. The unknown person also warned of burning his magazine and torch office assets. It occurred in Kalikot, a hilly district in the Midwestern region of Nepal on June 14, 2012.

Kamalesh Mandal, a reporter with the *Rajdhani daily* and *Avenues Television* from Mahottari, a district in the southern plain, was issued death threat on June 17 by an unknown person over the news he wrote about the bomb blast occurred in Dhanusha. Journalist Mandal who is also the editor of a local Mahottari weekly told the media monitoring desk of Freedom Forum that he was threatened of life by an unknown person. He added that the person threatened of destroying everything he had and killing him because he (unknown person) had known well about him. He warned not to write any more news about the blast, according to journalist Mandal.

Similarly, on June 30, 2012, the cadres of the Unified Communist Party of Nepal (Maoist) in Morang district threatened of life to the editorial team with *Nigaran daily* if it continued publication. It occurred in Biratnagar, a city in the eastern plain of Nepal. They also vandalized the press. Executive editor with the

daily, Milan Raut, said, "The root cause behind the vandalism and threat is the political dispute between the cadres of Nepali Congress, and Maoist parties in the district."

Senior Superintendent of Police Govinda Niraula threatened Mithilesh Yadav of life if he continued writing news about police. Yadav is the reporter with the *Republika daily* from Siraha, a district in the southern plain of Nepal. He was threatened of life on July 10, 2012.

On July 11, 2012, a person named Pradip Lama threatened Raj Kumar Gole of life, saying, "Why did you write news about school fee? I'll break your hand and kill you if you continue writing news about schools." Gole, a reporter with the *Nayapatrika daily* from Kavre, a district adjoining capital city had written news story about the exorbitant fee the private schools were imposing on parents by breaching the rule.

A senior police officer, Superintendent of Police, Ghanashyam Aryal issued death threat against reporter Hemanta Poudel through his confidante and accountant at District Police Office, Jay Bahadur Singh over the news Podel published in his local newspaper, *Sudoor Sandesh daily*, on August 12. The news was about 'police persons taking bribes with smugglers from various check points in the district.'

A freelance journalist, Ganesh Pande, was issued death threat via email on August

26, 2012, over an opinion article he recently wrote in the *Samacharpatra daily* published from the capital city, Kathmandu. According to journalist Pande he received a life threatening email over an article relating to security action at Doramba, an incident of the conflict period.

The email reads- 'It seems you belong to a terrorist group because you wrote the article one-sidedly. How much money do you take by writing such articles? Your days are numbered now'."

He added that the address appeared in the mail was – gyanu_tamup@gmail.com, and the sender's name- Gyanabhi Gurung. Journalist Pande further said it may have been sent by security.

The Doramba incident is one of the notorious incidents in terms of human rights violation, which occurred during the insurgency period in Nepal.

Meanwhile, police arrested the gang which issued death threat on journalist Kamalesh Mandal of Saptari district. Those arrested are Hari Prasad Sharma, Rajan Kumar Sharma and Raj Kumar Saha from Bhramarpur VDC in the district. They were held by the police in the night of June 22.

Earlier, bearer of the mobile (9817892788), Chandreshwor Mahashet, was already held in this connection. The death threat was issued over the mobile phone.

NO ONE IS ABOVE LAW: RP DAHAL

Information carrier and medium of change in the entire society, the journalists have key role to establish citizens' rights. Despite writing for citizens' cause, they meet challenges- some time by their own incompetence and sometime by the authority – their employer and government as well. Freedom Forum continuously followed and watched carefully the case of Ram Prasad Dahal who was illegally ousted from the post of chief reporter from the Rajdhani daily in 2005 on the backdrop of the royal takeover. It provided free legal support to Dahal. The obstinate and hostile management that sacked him finally cowered before the law that advocated in Dahal's favour in 2012. It is a trend setting incident in the history of Nepali media. Here is what Dahal said about the 7-year trial and tribulations:



How do you feel after court's final verdict?

I got justice finally. During this seven year's struggle for justice, I learned how hostile the media entrepreneurs (owner) are to journalists (their employees), how painful cases the journalists have, how protracted the litigation process is, and how rule of law and justice get victory finally.

What inspired you to continue struggle for respect to your labour?

As I was illegally expelled from the job, I felt I was meted out injustice by the Publications. I was sacked in the backdrop of royal takeover which obviously limited reporting and press freedom. My news became the victims thereby violating my right to freedom of expression. The newspaper management became biased, favoring silently the royal takeover to suppress independent news and views. Therefore, I

continued fighting to set example in the media regime of in the country. However, I had to gather patience for victory over this time.

How many journalists are/were expelled illegally?

I think hundreds of journalists were expelled during king's direct rule because media were practicing self-censorship. But, a lot of them have quit the profession. I continued despite hurdles.

What hurdles did you face during this?

Firstly, sacked by the newspaper management, I had to undergo severe financial crisis. I did not lose my patience but kept on struggling for justice. Although the Labour Court issued verdict in my favour for reinstatement with salary, the newspaper management did not heed it. But it moved to the Supreme Court against me. Luckily, the verdict came again in my favor because I was right on my stand.

However, the newspaper did not reinstate me, nor provided salary. I kept on knocking the door of Labour Court. The delays in courts also became hurdles. Implementation of the court decision was not prompt.

And what's message from the success?

Although the success is the first case in the history of Nepali media, it has given a message to journalists, media owners and the entire media industry. Journalist's rights must be respected by media owners. And, journalists themselves should continue fighting against injustice. The courts have asked the media houses to abide by the Working Journalists' Act. It has reiterated that none is above the law. All are equal. Therefore, this case has set a trend and holds special meaning. Any victim journalists can better fight my way for justice. It's the establishment of the rights of working journalists.

Govt. Gags... (Contd. from page 1)

It is condemnable act, as the government does not want to hear the voice of opposition," says Taranath Dahal, Chairman of Freedom Forum.

The voices of oppositions must be heeded in democracy. So, the action on Manager Dhital is an attack on democratic values and culture. Moreover, this government brazenly tampered the freedom of press by writing a letter to a media house, urging to make its radio programme unbiased. The Ministry of Information and Communications, citing the reason from the Office of the Prime Minister and Council of Ministers over a complaint, wrote on May 20, 2012 to the Image Channel 'to manage for airing the *Jana Chaso* (People's Concern) radio programme in an unbiased way in the Image FM it runs'.

Although we have already a media oversight body, Press Council Nepal, to monitor whether the content of any media is biased or not, the government's letter to the media house is an outright violation of existing legal arrangement. The sole right to restrict or censure any media content is on the Press Council that too if a

complaint is filed, so the unilateral decision of the government to urge the media to be fair is wrong. It has come as a series of attack on press freedom. It has ill-intention to control media with authoritative diktat which does not suit democracy. Also, it is the gross violation of people's right to information and sheer attack on media freedom.

Similarly, the government issued a circular urging the state-run media not to make news about June 8 protest programmes being organized by various 22 opposition parties in the capital city. It is shocking that government tried to hush the views of the opposition. With this, the government has violated the rights of the opposition to make criticism. The right to criticism is an ornament of democracy but it is completely ignored by the government.

Urging media to not make news or prioritize the views of the opposition parties, the Maoists is gradually building environment to completely control media and suppress any public views, and ideas against it. It is condemnable in deed as it is the totalitarian idea the Maoists is forcefully imposing upon media and depriving people of their right to information.

It is a portent that Nepali media would suffer more in the hands of the Maoists.

Forum's Participation

- ◆ Chairman of the Freedom Forum Taranath Dahal, and Executive Director Krishna Sapkota participated in the **Regional Workshop on Advancing Public Participation and Accountability in the Budget Process** in the capital on June 4-6, 2012. The programme was organized jointly by the Affiliated Network for Social Accountability (ANSA), Program for Accountability (PRAN) and World Bank Institute (WBI).
- ◆ Program Officer Anirudra Neupane participated in the Training on **Data Transparency** organized by the Open Development Initiative, World Bank in the capital on June 12, 2012. He also participated in the **Training on Aid Transparency** organized jointly by the International Budget Partnership (IBP), Development Initiatives (Aid Info), Publish What You Found, Global Campaign for Aid Transparency and TIRI ? Integrity Action in the capital on June 18-22, 2012.

RTI Support Centre in Action

Strategic Campaign for Promoting Demand for Information

Considering the fact that Right to Information (RTI) Act came into existence five years back with legal and institutional setup but is yet to emerge as a strong tool at the hand of general public, a need of an innovative action is widely realized to reach the RTI to the grassroots people. The RTI, despite having power to transform lives and improve governance and public accountability, the tangible effects of the use of RTI could be seen when both demand and supply sides are more responsive to the people and beneficiary.

Freedom Forum, therefore, felt the need to make demand for information vibrant which would obviously help accelerate the

at different five public agencies seeking information.

Among them, Nepal Telecom Authority provided complete information while Inland Revenue provided meager information and Lalitpur Sub-Metropolis provided partial one. As the Kathmandu Metropolis and Youth and Small Entrepreneur Self Employment Fund denied information, the Centre moved to these for appeal.

Dharmendra Jha, Freedom Forum member and journalist and Sanjiv Ghimire, Coordinator at RTI Support Centre, on July 29, 2012 sought the following information with the Fund:

- Amount of revenue generated from 518 firms which were found evading revenue making fake VAT bills/invoices as per the report of a task force coordinated by Laxman Aryal two years back. Separate details of the amount collected as fine to the firms.
- About proprietors or share holders of the 518 firms which were brought to book,
- Crimes of the 518 firms,
- Auditors of the firms,

Moreover, the Centre on August 7 sought the following information with *Nepal Telecom Authority (NTA)* about:

- license, certificates and terms of condition the NTA had with Spice Nepal Pvt Ltd and Nepal Satellite Telecom Pvt Ltd,
- The shareholders of these companies and updates,
- Reality about cross holding of the only same investor (Telia, Sonera, Sweden) in these two telecommunications providing companies, policy the regulatory body (NTA) adopted on cross holding,
- Report on merger, acquisition and cross holding while operating telecommunications service in Nepal if submitted by a task force coordinated by former government secretary Madhav Prasad Poudel and if not submitted, time is submitting

In addition to this, the RTI Support Centre in the FF has voluntarily provided orientation on practical use of RTI. The orientations were provided on in FF Office, Thapathali, on August 18 and 31 and September 1.

The orientations were facilitated by journalist and Freedom Forum member Dharmendra Jha, program officer Anirundra Neupane, and RTI Support Centre Coordinator Sanjeeb Ghimire. During the orientation, the participants/journalists were made aware about what the RTI Act is and what are its main contents as overriding effect and proactive disclosure, what the public agencies are, identification of RTI issues, , information seeking process as lodging application, appealing, and examples of some important successful cases of RTI and the impacts.

Freedom Forum Executive Director Krishna Sapkota shed light on the activities of the Freedom Forum in relation to the RTI Act. It is the FF's latest series of the campaign to build better democratic practice in the governance as of maintaining accountability and transparency with the use of RTI.

Worth mentioning here, inspired with the orientations, some participants have filed applications at Gothatar VDC, and in some community campuses. It is the FF's motive to spread the RTI regime across the country so as to ensure the decentralization of good governance, to aware people about RTI and deliver justice to the citizens.

Freedom Forum is untiringly working for the promotion of RTI through its RTI desk since 2007. Support Centre is the extended form of Forum's RTI desk. The Support Centre is led by the RTI facilitator.



Orientation on Use of the RTI Application at FF.

implementation of the RTI laws thereby making the public agencies transparent and accountable to the people.

Taking these into account, an RTI Support Centre has been set up in the first week of July 2012 at the Freedom Forum with the support of the Asia Foundation. With sole goal of producing a strategic group of RTI activists and promote its practices at the local level in a sustainable manner the Centre will focus to create proactive e demand side from the local level to central level. The Centre provides backstopping, follow-up and monitoring support to information requesters during the process beginning from application filing to the receipt of the information.

This initiative is aimed to produce activists of right to information at grassroots level. Therefore, 40 participants from various parts of the country with zeal and commitment to work for transparency and accountability at the local level are getting trained from this September 11 in a slot of five-day internship in Kathmandu. Identification of RTI cases, filing application, practicing the entire process involved in requesting information, follow-up of the request, complaint and appeal in line with the RTI Act 2007 and Regulations 2008 will be main things they learn during the training.

Finally, it will be mandatory that each intern files five applications that include three public interest information and two relating personal services such as pension, scholarship, government allowance, health, education etc. In this connection, the Centre filed applications

- Total amount collected in the Fund,
- Banks, commercial firms and cooperatives used for deposit, agreements with the commercial firms and institutions after providing the amount in the fiscal year 2011/012 and 2010/011,
- Progress of the commercial firms and institutions, their invest
- Unemployed youths or their groups taking loans from the Fund,
- Total reserve, deposits in banks and interest rate, official responsible about depositing
- Annual auditing reports from the inception till date,

Similarly, *Kathmandu Metropolis* (on July 17) and *Lalitpur Sub Metropolis* (on July 19) were demanded the following information:

- Rule, decision, directive or policy about parking in any public places or road side,
- Public places and roads separated to impose parking fee,
- Company or individual assigned to collect parking fee
- Tax collected in years during the fiscal years of 2008/09, 2009/010, 2010/011
- Separate annual reports/data about type of vehicles were parked and in which places during these years

The Centre, on August 6, sought the following information with the *Inland Revenue Department (IRD)*:

Aid Transparency... (Contd. from page 1)

portion (over 80%) projects are being implemented through Nepal Government. As reported USAID is the only agency which has been implementing projects through I/NGOs.

- Project name, project objectives and project policies are main project related information that are commonly shared by the agencies but only few agencies have been sharing budget information, start/end date of project and roles and responsibility of project staff.
- There is significant discrepancy between the information provided by project/district offices and beneficiaries as most of the project offices (over 64%) claim they share information on project budget with the beneficiaries but only few beneficiaries are aware of it. Many of the beneficiaries are however familiar with names and objectives of projects.
- Web portal and media are the main outreach mechanism to pass on the information to the stakeholders including beneficiaries. Dolkha district has followed same pattern of central level as all agencies in the district share information with media in the district whereas only one agency using media in Chitwan.
- Inquiry on foreign aid and project information was very minimal at district level.
- Project reports, country office website and press release have been the most common means of information sharing amongst the agencies. UNDP, the World Bank and USAID also use social media (face book, twitter, flicker and you tube) for information sharing. Press release is higher in Chitwan district whereas Dolkha is using other means (bulletin).
- The websites are not effective means to disseminate the project information to the beneficiaries as only limited people have access to internet services.
- Project information is mostly published in Nepali and English Languages but few agencies mentioned they publish the information in local language as well while others said they publish only in English.
- Six agencies out of seven have assigned officers for information sharing but DFID is the only agency which does not have designated officer.
- Six agencies said they share audit information with their head office and also home countries. Majority of them said they share information with Nepal Government as well but DFID does not seem to share such information with Nepal Government.
- Media is the group who mostly asks information at central level whereas beneficiary and leaders are at highest in districts.
- No agency except the World Bank gave the exact time period that takes to provide information and gave different answers but ADB and USAID did not give any answer at all.
- None of the agencies provided complete budgetary information. Hence, all agencies have failed on their claim that they were transparent and accountable. Six agencies provided partial information on budget but ADB did not provide any information at all.
- Knowledge and compliance situation amongst the donor agencies on aid transparency and accountability at central level reported to be good but knowledge at district and beneficiary level is very poor. It seems that knowledge and awareness level of ATA issue is very much centralized and the information

has not been disseminated effectively at the district and beneficiary level.

- The donor agencies were found disseminating information especially through website. All seven donor agencies said they have placed the information of their activities in the website. Main sources to get information about the donors were their country offices' website, headquarters websites, Aid Management Platform (AMP) and the data provided in the International Aid Transparency Initiative (IATI). As the information is provided differently in different mediums, the comparative study and analysis is difficult.

The research team came with number of observation and key learning in course of the pilot study. They are,

- The presumption that donors respond to the queries or letters with due course of time without much delay, doesn't seem to be entirely correct.
- Finding designated officer at the donor agency was very challenging.
- Transparency level as claimed by donor agencies is not found in practice. There is discrepancy between what is stated and what is practiced.
- Knowledge level on ATA amongst heads of district/project offices seems very low. The project beneficiaries do not seem to have any knowledge on ATA at all.
- ATA has not been the priority issue amongst the donor agencies as the representatives of only two organizations turned up on methodology workshop and three on the sharing workshop though all seven agencies were informed.
- A systematic and standard tool to measure the level of aid transparency could be developed.
- Research to locate transparency situation of donors is quite time-taking and rigorous process
- Involvement of donor agencies' representatives in research process is very difficult as they tend to avoid any meeting and gathering related to ATA
- Accessing information from donor agency to measuring up their openness and transparency is difficult as many of them seem reluctant to provide information. It is rather difficult to acquire budgetary information from them by general public.
- Hierarchy/administrative hassle within donor agencies makes difficult to contact the right person for information.

Based on the findings and key learning and observation, the research team has made the following recommendation for consideration of donor agencies.

- Outreach mechanism should be developed in such a way that two-way communication could be established and information shared should be friendly to users and citizen.
- Designated information officer should be assigned in all agencies to provide aid related information to the stakeholders and other requesters.
- Outreach mechanism should be developed in such a way that two-way communication could be established and information shared should be friendly to users and citizen.
- Information centre like Public Information Centre (PIC) at the World Bank should be set up to impart information to the seekers and requesters.
- Designated information officer should be

assigned in all agencies to provide aid related information to the stakeholders and other requesters.

- Donor agencies should strictly follow the RTI provisions of Nepal that includes proactive disclosure of information in every three months, enforcing application system, maintaining information archive etc.
- More comprehensive research and study on aid transparency should be carried out.
- Donor agencies should devise concrete policy and mechanism and establish best practices in disseminating aid information to all the stakeholders in a non-technical way.
- Tracking of donor money from top to bottom (beneficiary level) and performance-based monitoring of any of the donor-financed projects could be another area of further exploration.
- Citizenary methods such as presenting data in a simple and non-technical manner, using understandable language and format and users-friendly technology have to be followed/adopted for information dissemination
- The websites should also be in Nepali medium so that it will reach out to the final beneficiaries.
- It is essential to develop the data system in the AMP by integrating the information all ministries and central bodies, Social Welfare Council and all 75 districts which receive and mobilize foreign aid.
- It was also equally important to study about whom the information is flowed and how information sharing is implemented. Further comprehensive study on similar issue is recommended.
- Foreign assistance should be funnelled through one-door system so that it would be helpful to maintain aid transparency and accountability.
- Programs for individual and institutional knowledge enhancement and awareness raising on aid transparency should be planned and implemented at district and community levels.
- Basic knowledge and organizational documents and compliance with ATA should be made customary.
- All the donor agencies should get them registered with IATI and regularly share information to its database.

RTI Support Centre

- ◆ Provides legal and practical facilitation to the information seekers
- ◆ Voluntarily seeks information from public agencies
- ◆ Provides training packages on the use of the RTI application
- ◆ Documents the RTI campaigns from across the country
- ◆ Undertakes researches on the impact of RTI in different issues
- ◆ Advocates for strong implementation of RTI Act
- ◆ Builds capacity of different stakeholders of RTI

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SPELP Project Completes

Freedom Forum, since its inception, has been conducting various projects, keeping in mind its sole objective of consolidating democratic culture and practice with due respect to the values needed for a better democracy- human rights, press freedom, freedom of expression. Lately, the FF has successfully accomplished a project named 'Strengthening Political Parties, Electoral and Legislative Process (SPELP) In Nepal' in June 2012. Various objectives, including development of a one-stop website focused on Nepali media, election and politics, and its enrichment, were set to meet the overall goal of the project that began in March 2011.

A comprehensive website- www.nepalelectionchannel.org was developed in both English and Nepali versions managing an interactive platform connecting media, election experts, policy makers and advocates, opinion makers, academics, legal practitioners, journalists, right defenders, international community, other stakeholders and the general public. It is the tangible success in deed.

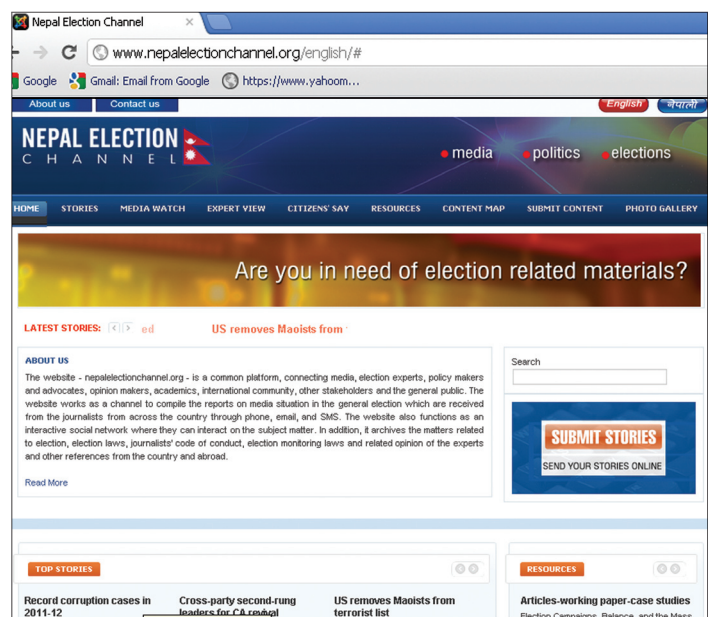
Currently, the website has stored more than 650 items (news stories, stories of press freedom violation, expert views, monthly reports, documents, international instruments, code of conduct) related to media, election, and politics. Categorically speaking, at the time of completion of the project, more than 80 incidents of press freedom violation were updated in English version of the website alone. Similarly, 10 reports on electoral and political developments and 12 reports on media were produced. Even a two-week special media report is in the website.

Considering the project objectives, the monthly reports on media, political and electoral developments were widely disseminated through email groups of national and international media, journalists, professionals, activists, diplomatic missions, and I/NGOs working in the sectors of press freedom, media, human rights, and electoral system. Similarly, legal support was provided to needy journalists during the project.

It is a success of the website that till 24 June 2012, the website (English version) was visited for 4,736 times.

Among the total visits, the number of unique visit is 2,415. However, the Nepali version of the website was visited for 5,298 while the number of unique visit is 2576. The use of social media, Facebook, has helped attract the target group to the website. Currently, there are more than 645 Facebook Likes in the website.

It must be taken as the achievement that among 114 total expert views updated in Nepali version of the website, the highest hit (220) is an interview with former Chief Election



Commissioner. The highest hit in English was 825. The growing use of the website and comments from different sectors has proved that the development of the website is one of the landmark achievements in the sector of Nepali media, election and politics. The articles, news and reports in the website have not only helped enhance journalists' professional capacity but also exerted pressure on the concerned to strengthen political parties, and electoral and legislative processes in the country. The Project was funded by the NDI.

Chairperson Dahal Awarded

It is a matter of happiness and pleasure to the Freedom Forum that Chairman, Taranath Dahal, was felicitated with the Chhikumar Bishnu Kumari Shrestha National Journalism Award on August 12, 2012. The Award was conferred on Dahal in recognition to his construction to democracy and freedom of expression through journalism.

President of the Nepali Congress, Sushil Koirala, gave away the Award amidst a function at Narayangadh, a city in the central plain in the south of the country.

On the occasion, President Koirala lauded the role journalist Dahal played to uphold freedom of expression and right to information, the fundamental tools to democracy.

FF Chairman Dahal has worked extensively for the freedom of expression and democracy through journalism for two decades.

On the occasion, Chairman Dahal said, "I've taken this Award as an honour to my efforts and campaign to boost up democratic principles through people's right to freedom of expression."

He added that the Award had obviously inspired him to continue working in the fields that promote democratic norms and values, which are the essentials to present society and system. The Award was set up in memory of then Chairman of the Democracy Fighters' Association, Cheej Kumar Shrestha.

NEPAL: Delays... (Contd. from page 8)

forces or adopting an independent police service commission to foster accountability in the appointment and promotion process of the police officers, strengthen its independence from political influence and curb corruption. Nepal has not accepted those recommendations and a large debate is yet to emerge on those themes.

In addition, in spite of commitment to criminalize torture in line with international standard, one year on a legal framework criminalizing torture and allowing the prosecutions of the perpetrators has not yet been adopted and strong concerns remain regarding the proposed draft legislation. (See our June 26 report "Criminalizing torture and bringing it to an end: a test for Nepal's democracy.")

Although omnipresent impunity has been the major concern of the UPR and although Nepal took the strongest commitment to have a zero-tolerance policy toward impunity, multiple attempts by the government to shelter perpetrators of human rights abuses during the last year have revealed the emptiness of those commitments. Attempts to deny victims their fundamental right to a legal remedy, such as the recent recommendation made to introduce general amnesty in

the Truth and Reconciliation Commission Bill are symptomatic of a State which flouts fundamental principles of justice and equality of all before the law.

As far as wartime and present human rights violations are concerned, it is part of a series of interventions from the executive in judicial processes, in violation of one of the most cardinal dogmas of democracy: that of the separation and balance of powers. An independent judiciary with a strong and respected authority remains to be built.

Without in-depth reforms to ensure the independence and strength of the criminal justice system, attempts to protect the rights of the citizens of Nepal and implement "some" of the UPR recommendations would be at best patchy and ineffective. One of the major recommendations to be implemented by the government within this year has been the adoption of a law criminalizing caste-based discrimination.

Moreover, the government approach so far to the UPR reflects the inadequacy of the human rights dialogue in Nepal at the moment and the lack of coordination among institutional stakeholders and the civil society.

(Source : <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-022-2012>)

NEPAL: Delays in Implementation of UPR Recommendations

Highlights the absence of a functioning democratic State

On January 25, 2011, Nepal's human rights record was reviewed for the first time under the Universal Periodic Review (UPR) mechanism. That mechanism was established by the UN General Assembly on 15 March 2006 through resolution 60/251 to "review the fulfillment by each State of its human rights obligations and commitments." On that occasion, peer countries raised concerns about ongoing human rights challenges and formulated recommendations to improve Nepal's human rights framework.

Recommendations notably concerned ongoing reports of torture and violence by law enforcement agencies, persistence of

gender-based violence, continuous caste-based discrimination, insecurity of human rights defenders in a context of overreaching impunity for past and present human rights abuses and with failing police and justice systems in the country.

The government accepted a majority of those recommendations and therefore committed to take the necessary measures to turn them into concrete advancements in the human rights situation. The Government of Nepal has the primary responsibility to implement the recommendations it accepted as part of the review as the UPR ensures that all countries are accountable for progress or failure in implementing these recommendations

February 1, 2012

One year on, it is time to draw a first assessment of the state of implementation of those recommendations, as a measure of the government's commitment to the improvement of Nepal's human rights situation.

We have found that the government has failed to take appropriate action in good faith and within an appropriate timeframe to translate most of the recommendations into concrete progress for the human rights situation of Nepal. Through 2011, hindrance of the peace and constitution-making process and reluctance

to introduce accountability for conflict-related human rights violations have contributed to the fall of human right concerns low on the agenda of the government's priorities.

One year ago, the government committed to address the issues of torture, insecurity of human rights defenders and extrajudicial killings and to curb impunity. However, data has shown that torture has been on the rise since January 2011, no steps have been taken to guarantee the security of human rights defenders and no investigation was

launched into all allegations of extrajudicial killings. Perhaps more crucially, while Nepal has unconditionally committed to bring impunity to an end, the time elapsed since those commitments were taken has witnessed multiple attempts to suppress the rights to justice of victims of conflict-related human rights violations. Other recommendations relating to crucial issues to the development of a democratic and stable State have also so far been largely ignored.

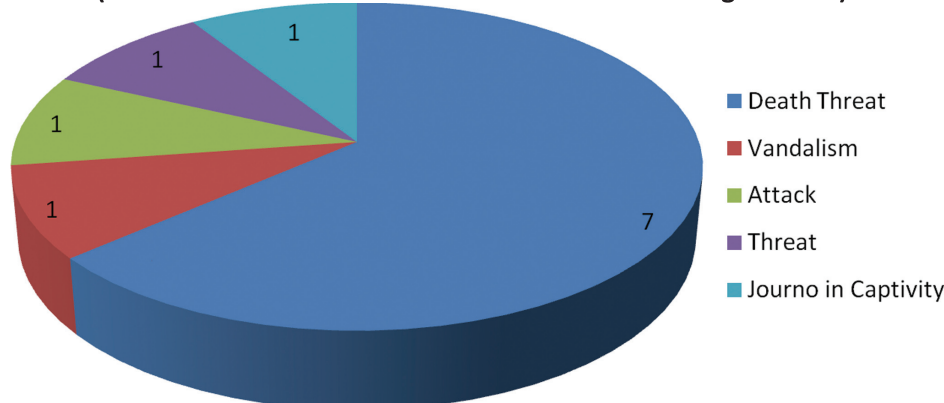
This failure to improve Nepal's human rights record not only underlines government negligence toward the protection of human rights of the people it serves but more importantly points at larger institutional failures.

Most of the recommendations relate to the substance of the functioning of State institutions and, if they are to be upheld, imply in-depth reforms to put concerns for human rights of the people at the heart of their functioning. The justice and policing systems still lack the strength, accountability and independence demanded from institutions supposed to safeguard human rights in a vibrant democracy.

Introducing an independent complaint mechanism in order to bring an effective remedy to the victims of human rights abuses at the end of the security

(Continued on Page 7)

(Incidents of Press Freedom Violation from June-August 2012)



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