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## Stress on Structural Reforms in Media Sector



In a bid to bring about massive reforms in information and media sector with respect to policy, structure and law, Freedom Forum brought together Minister for Information and Communication, media professionals, senior legal practitioners, activists of press freedom and freedom of expression, and representatives of media rights organizations and civil society members to discuss the issues on press freedom, freedom of expression and right to information in the capital on July 23, Thursday.

The major thrust of the thematic workshop entitled "**Reforms envisaged by the AFC and other policy, legal and structural reforms in information and media sector**" was to discuss the agendas the government should immediately address to restructure media in line with state restructuring process.

Various inputs were provided to Minister for Information and Communication Shanker Pokharel so that the Ministry could take bold initiatives and play facilitating role to overhaul the media and information sector in consistent with the AFC recommendations drawn up after a year-long assiduous intellectual exercise of experts panel.

On the occasion, Freedom Forum Chairperson Taranath Dahal and FNJ Chairperson Dharmendra Jha jointly presented slides on the agendas to be addressed by the newly formed democratic alliance government on the issues of press

freedom, freedom of expression and right to information.

The joint presentation stressed the urgency of enshrining the three issues as fundamental rights in the preamble of constitution, formulating concrete media and information policy, building effective media regulatory mechanism, addressing the issue of physical and professional safety of journalists through law, policy and deeds and establishment of Press registrar to monitor and regulate media issues.

"The major agendas the government should keep in mind to restructure the media sector are effective monitoring of the implementation of Working Journalist Act, Regulations and Right to Information Act, expand the working area and change structure of Press Council and establish the Broadcasting Authority", said Dahal. He also raised the issue of amendment of press and publication act, national broadcast act, media sector ownership, operating state-owned media under parliamentary committee, editorial freedom, protection of privacy rights and defamation law, among others.

Similarly, FNJ Chairperson Jha stressed that the political parties should demonstrate high commitment to reform the media particularly consolidating the issues of press freedom, freedom of expression and right to information in keeping with AFC recommendations. Altogether 60 journalists took part in the thematic workshop organized by Freedom Forum in association

with Federation of Nepali Journalists (FNJ) and ARTICLE 19.

Rendering comment on the presentation, the participants expressed that the agendas for reforms should categorically be implemented on short-term, mid-term and long-term plans. They urged the government to keep high commitment to take immediate action to protect and promote the issues.

Responding to the concern raised in the program, Minister Pokharel said the government was taking initiatives to put an end to the growing culture of impunity, thereby addressing the prevalence of self-censorship in the media. He also pledged to reckon the problems being faced by Nepali media and introduce definite actions in bringing about reforms in media and information sector. ♦

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## Message from the Chairperson

Nepali media is formidably facing self-censorship with growing impunity on the part of the state. Generally, lack of professional and personal safety to media persons, lack of professionalism and growing politicization in journalism and lawlessness have been the triggers of self-censorship in Nepali media. Corporate interest among media house has also contributed for the self censorship. The current growing trend of self censorship has not only violated norms of professional media and press freedom but also ignored constitutionally guaranteed citizens' access to right to information. Resultantly, it has reduced the number of in-depth and investigating reporting in Nepali Media and has severely restricted scope of people's right to know and democracy.

Self-censorship is the act of censoring or classifying one's own work (blog, book(s), film(s), or other means of expression), out of fear or deference to the sensibilities of others without an authority directly pressuring one to do so. Rising number of threats from cadres of various political parties, local administration, bandh enforcers, security personnel, agitating armed outfits, smugglers and other segment of society has resulted in the situation of self censorship in Nepali media. In some cases even media person themselves are practicing self censorship due to their vested interests, fear, greed and political inclination. The practices are being occurred from news desk, editor, reporters on news source owing to feeling of insecurity caused by various ethnic and religious issues among others and affiliation of media workers and house to various political parties. Even after the end of conflict in Nepal following the signing of Comprehensive Peace Accord (CPA) and successful completion of Constituent Assembly (CA) elections, journalists still could not write news freely. There has been continuous psychological pressure and intimidation not to write any news about the misdeeds of political parties and groups. Even media house and owners do not tend to encourage journalists and are guided by hidden interests, which have also contributed for the self censorship.

As journalists are unaware of their rights, responsibilities and code of conduct, they are misguided and unethical practices are on the rise. Owing to the absence of social security and minimum wages most of the journalists are taking this profession as a part time job. So there are high chances that this profession is misused to reap personal benefits or as a means of generating income with various wrongdoings. On the other, fear and rationality do not go hand in hand and when there exists fear, the journalists cannot work with his conscience. Conscience loosens due to fear, and when conscience loosens self censorship occurs. Media itself is reluctant to raise voices against violence and atrocities meted out to journalists and other human rights abuse incidents.

Various training and awareness building programs are imperative to sensitize journalists on their obligation and ethical guidelines. It is the responsibility of the government to ensure security and end impunity as it can not escape from its responsibility in the name of transition. The government should effectively implement the Working Journalists Act to ensure professional security of the journalists and come up with policy reforms on media for the timely development of this sector.

The political parties are also not serious to lend support in ending impunity even after the establishment of republican set up. The political parties are not apparently aware about the significance of the enhancement of professional media for strengthening democracy. Democracy could not flourish well in the absence of free, vibrant and professional media and self-censorship is always the stumbling-bloc for the promotion of media. So it is also the responsibility of other parties to take stock the issue and act accordingly. In a bid to reduce the intensity of the prevalence of self-censorship, media should take efforts; trade unions should be empowered and strong; monitoring organizations should be proactive and civil society organizations should be cautious besides efforts from the state and political parties. ♦

Tara Nath Dahal  
Chairperson

## FF Marks IDD for Promoting Political Tolerance

With the view to promoting awareness and political tolerance within the political parties, democratic institutions and greater society, Freedom Forum marked the International Day of Democracy (September 15) by organizing various activities for the first time in Nepal. The United Nations General Assembly declared this day in 2007.

In an effort to remind key institutions of democracy to affirm the principles of democracy, the elements and exercise of democratic government, Freedom Forum produced a special radio programme on democracy and aired across the country through 150 Radio FMs, including two in the capital. The major thrust of the programme was to remind the political parties, Constituent Assembly (CA), government and public as well of their responsibilities towards promoting national consensus and reconciliation for building a democratic nation in line with the international norms and principles of democracy. The radio programme was circulated through Community Information Network (CIN)-a radio network of 105 community radios-and Satellite World Space (CWS) to broadcast the radio programme on September 14 and 15. The radio programme contained various components including radio report on importance of IDD, its theme, interviews of political analysts, politicians and civil society members and drama.

In the similar vein, Freedom Forum produced three articles which got published in three broadsheet dailies of Nepal. The article entitled "Jeevan Sanskriti ka Rupma Loktantra (Democracy as a Life Style) by Freedom Forum (FF), executive member and freelance journalist Hari Binod Adhikari was published in Gorkhapatra national Daily on September 14 while FF Chairperson Tarannath Dahal's "Nepal ka Lgi Rajnitik Pranali (Political System for Nepal)" and General Secretary Pradip Ghimire's "Rajnitik Sahisnita and Loktantra (Political Tolerance and Democracy)" were published in Nagarik National Daily and Annapurna National Daily on September 15, respectively. The message of International Day of Democracy has been widely circulated across the country through the use of print media as well.

In its resolution A/RES/62/7 establishing the International Day of Democracy, the United Nations noted that "while democracies share common features, there is no single model of democracy" and that "democracy does not belong to any country or region".

The choice of 15 September for the International Day of Democracy corresponds to the adoption in September 1997 by the IPU of a Universal Declaration on Democracy. That Declaration affirms the principles of democracy, the elements and exercise of democratic government, and the global scope of democracy.

The theme of the 2009 IDD is Democracy and Political Tolerance.

Freedom Forum has been undertaking various activities to promote the Universal Declaration of Democracy (UDD) adopted by Inter-Parliament Union (IPU) in September 16, 1997. Some 154 nations including Nepal are the state-parties of the Declaration. ♦

Nepali press is still facing growing number of attacks and obstruction from various quarters which has curtailed the right to freedom of press and of expression and people's right to access to information. Various anti-press incidents occurred in different parts of the country during the period from June to November.

## TMDP cadres misbehave with journalists

A group of disgruntled cadres of the Tarai-Madhes Democratic Party (TMDP) misbehaved with journalists while they were covering the news on scuffle between TMDP cadres and Minister for Youth and Sports Minister Ganesh Nepali on August 11, Tuesday.

During the incident of misbehaving and manhandling journalists, the protestors also seized a video tape from the camera person and ordered the journalists to get away from the venue. Later, they misbehaved with journalists Prakash Chandra Pariyar, Anil Chhetri and Bhuwan KC of Kantipur TV.

## Death threat to Journalists

Rupnarayan Ghimire, a local resident of Pathari-8, Morong—lies in the eastern part of Nepal—threatened journalist duo Biparaj Begha, editor for local Mofussil Weekly and Arjun Kafle, a reporter for local Anamolmani with life on July 9.

Following the news of sexual harassment to physically handicapped women by an octogenarian neighbor Ghimire which was published in Nepal Samacharpatra Daily, supporters of Ghimire threatened journalist duo.

## Missing Journalist Oli Came in Contact

Shiva Oli, a journalist based in Doti district, situated in the far-western region of Nepal had gone missing on July 25 and came in contact on July 29.

A group of people, including Yogendra Deuba, Mahendra Malla and Shovan Oli approached the house of journalist Oli at around 11.30 PM and asked him to come along with them.

Oli disappeared since then and his whereabouts was not known. His spouse Laxmi Oli had filed a complaint against Deuba, Malla and Oli in the local police station.

Police had detained Malla, Oli and Deuba as per her complaint. All three accepted that they had called journalist Oli for discussion. However, they didn't tell the detail whereabouts of journalist Oli saying that journalist Oli had gone away for urination and did not come back to them.

## Press vehicle vandalized

Activists of Tamsaling Joint Struggle Committee (TJSC) vandalized a press vehicle belonging to Kantipur Publications at Dhulikhel of Kavre, the neighboring district of Kathmandu, on Tuesday, July 21.

Enraged TJSC activists took control the vehicle (Ba 3 Cha 6802) at Dhulikhel Bus Park and smashed it for defying their strike. The vehicle was carrying Tuesday's edition of The Kathmandu Post and Kantipur dailies for circulation in the area.

"Protesters intercepted the vehicle and smashed the windscreen with sticks and stones," said Lila Bahadur Thapa, the driver. He said they threatened to set ablaze the vehicle for defying the bandh.

"Bandh enforcers, however, let vehicles of other publications ply the road. Thapa and another employee were injured by the incident. Police arrested Rup Bahadur Yonjan, the district vice chairman of Nepal Tamang Ghedung Sangh, Kavre in connection with the incident.

Similarly, the activists of TJSC vandalized a press van belonging to Kantipur Publications at Sunachuri of Makwanpur district on July 22, Wednesday.

TJSC cadres stopped the vehicle (Ba 3 Cha 7837) at Sunachuri along Bharatpur-Hetauda road section and vandalized it for defying their strike.

The vehicle was returning to Bharatpur after distributing Wednesday's edition of The Kathmandu Post and Kantipur dailies in Kalaiya of Bara district.

"They stopped the vehicle and smashed it with wooden planks at around 11 a.m.," said Birendra Shrestha, an employee. Enraged bandh enforcers took the vehicle under control for six hours, accusing Kantipur Publications of not covering their news.

"Police did not intervene even though protesters deflated the tires in their presence," Shrestha added. Protesters also burned copies of the Kathmandu Post and Kantipur dailies in Dhading.

## Ministers Prevented from Attending Public Program; Right to Freedom of Expression Breached

The Interim Constitution of Nepal-2006, besides Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR), has bestowed every citizen with the right to freedom of opinion and expression. But it is very unfortunate that the Ministers of the government who are obliged to enforce the provisions enshrined in the constitution are deprived of attending the public function.

It is the destiny that the Ministers of Nepal are coming across such indecent events in course of addressing public programs. Finance Minister Surendra Pandey could not attend a scheduled function after activists of the Unified CPN (Maoist) showed him black flags and hurled stones on his vehicle on September 12.

Pandey had reached Chipledhunga of Pokhara sub-metropolis located in the western part of Nepal to launch the publication of Golden News Daily.

Due to the protest of some 200 activists of UCPN (Maoist), Pandey had to return Kathmandu without attending the programme. Windscreen of a police vehicle escorting the minister's vehicle was damaged in the attack. The Minister's vehicle also bore some damages. Maoists prevented other ministers from attending public programmes by pelting stones and sloganizing against the latter.

It is the sheer violation of human rights, particularly the right to freedom of expression and opinion. The Maoists are responsible behind the violation of this right for preventing Ministers from attending public function and articulating their ideas, said Freedom Forum Chairperson Taranath Dahal. He added, "The government is also responsible for this since the State must take certain positive steps to ensure that citizens are able to exercise the right without interference from others".

## Journalists Misbehaved at CPN-UML's Programme

Makwanpur chapter of ruling party Communist Party of Nepal-Unified Marxists Leninist (CPN-UML) misbehaved with media persons of Makwanpur district-located in the southern plane-at UML's Narayani zonal level cadres training programme held in the Institute of Forestry, Hetauda on August 1, Saturday.

The organizer had invited journalists to cover the news of the training programme stated to be inaugurated by CPN-UML chairperson Jhalanath

Khanal and later prevented them from collecting news, according to the Nepal Samacharpatra, a national daily.

More than a dozen local journalists, including Pratap Bisht, Ram Chandra Subedi, Sabin Neupane, who reached there to cover the news, remained agitated and left the programme area following the organizer meted out misbehaviour against them, said Makwanpur-based freelance journalist Ram Mani Dahal.

## MTF Cadres burn newspapers and threat media

Activists of Madhesi Tarai Forum (MTF) burnt 15,000 copies of "Kantipur" and "The Kathmandu Post" dailies along with "Nepal" Weekly in Saptari district located in the southern plain of Nepal on 23rd August 2009. MTF cadres stopped a vehicle belonging to Kantipur Publications in district headquarters Rajbiraj and set them on fire. The vehicle was carrying the Sunday edition of The Kathmandu Post, Kantipur daily and Nepal weekly.

MTF Saptari Chairman Shyam Narayan Yadav took responsibility of torching the copies of newspapers citing the reason that the publications defied their warnings. MTF had banned the newspapers published in the Nepali language in Madhes.

MTF also warned it would stop the broadcast of programme in Nepali language in the electronic media from September 6 onwards.

Likewise, the bandh enforcers had burnt the copies of Annapurna Post and THT in Dhading, Khanikhola on 22 July, Wednesday.

Bandh enforcers stopped the vehicle (Ga. 1 Cha: 4215) ferrying newspaper at Khanikola.

## Reporter KC Attacked

Kamala KC, a reporter for Gorkhapatra Daily in Parbat-the western district of Nepal-was beaten up by a group of people, including campus chief and management committee members in the premises of local Nawajagriti Multiple Campus on July 20.

Reporter KC was on her duty to collect news report on land dispute related to campus. The group also seized a camera belonging to journalist KC. Journalist KC sustained injuries on her head and forearm.

## Journo beaten up

Shyamduka Bhatta, executive editor of Sudurpaschim Weekly in Bhimdutta Municipality, situated in the mid-western region of Nepal was severely beaten up by a group of locals on July 19, Sunday.

He got attacked in the Mahakali Zonal Hospital road at around 10 PM while he was returning to his home from press office. The attackers, Nabin Gurung, Hem Awasthi and Jay Kisan Chaudhary, locals of the same municipality were arrested immediately after the incident.

## Yadav Misbehaved

Correspondent for Nepal Television Bhusan Yadav was misbehaved by a group of locals in Inaruwa of Birgunj on 25 July.

Locals poured into journalist Yadav while he was covering the news on obstruction of vehicular movement and vandalism by the local demonstrator. The protesters also vandalized his camera and threatened him of destroying visuals taken by him.

## Insecurity to Journalists from government bodies and armed outfits

Journalists are coming across various incidents of atrocities even from state bodies, armed outfit and political parties.

Nepal Police personnel ruthlessly thrashed and took a correspondent for Nepal Samacharpatra National Daily into custody in Doti on August 23, 2009.

The police detained him without any reason, put him inside a police van and started beating when journalist Bista had gone to cover news regarding quarrel between locals

In yet another incident, on-duty police personnel thrashed journalist Amlesh Karna, a reporter for Kantipur Daily, while he was returning home from office on August 16. Police jumped on him all of a sudden, put him inside van and brought him to Kalmati police post while he was helping a vehicle-passenger after a road accident at Thapathali Chowk. The police misbehaved and harassed him even after he showed his press card.

Police released him after knowing the reality that Karna was innocent and was there just for assistance. However, high-ranking police official expressed unawareness about the incident. Nawaraj Silwal, head of the Kathmandu police office said that he was not informed about the incident of thrashing journalist.

Ramprasad Das, DSP of National Investigation Office (NIO), Parsa, Birgunj misbehaved with Jaynarayan Yadav, a reporter for Ujjyal FM. Das also misbehaved with Ramesh Subedi, a reporter for Avenues TV, while he was covering the news of the NIO office.

Shyam Sundar Shashee, a reporter for Kantipur Daily from Biratnagar, located in the eastern part of Nepal, was looted by an armed outfit on September 5.

Shashee was returning office from reporting in Dhanusha constituency 2, Baghchauda at a time he was attacked. Armed outfit looted his on-test motorbike and mobile set. They also opened blank fire in course of looting him and threatened that "We don't know who are journalist, give your assets to us".

Similarly, district traffic police Chief Madan Yadav directed security personnel to pour on journalists on September 6, Sunday. He ordered security personnel to attack journalist with bamboo stick.

Following the news coverage on rising number of motorbike theft cases on Kantipur Daily, he also threatened journalist serving with Kantipur in Rautahat. Prior to this incident, Yadav misbehaved with journalist Sanjay Karki, a reporter for Samacharpatra Daily.

Superintendent of Police (SP) Ghananda Bhatta assured journalists to take action against Yadav, if found guilty. However, no action was taken against him.

In yet another incident, a group of on-duty security personnel including police in-charge misbehaved with Bibhu Adhikari, a local journalist of Bara district, located in the south-east part of Nepal, on September 11.

Police took three vehicles (Trucks) under control on the charge of smuggling forestry products to India and journalist Adhikari was there to cover the news on smuggling in the night at around 10. According to journalist Adhikari, he was severely beaten up by police forces.

Police suspiciously released all Trucks Gha 1 Kha 2092, Lu 1 Kha 5538 and Na 1 Kha 285 in the late night.

Secretary of Rupandehi-based Tikligadh Village Development Committee (VDC) Kamal Bhurtel attacked and injured journalist Chhabilal Tiwari at Kusma of Parbat district located in the western region of Nepal on September 14. Bhurtel was in a drunken

state while assaulting on journalist Tiwari.

Journalist Tiwari sustained injury on his left leg and right hand and his camera was also broken in the incident.

Thirteen journalists in Ilam demanded for security with the local administration after getting regular threats from the cadres of Sanghiya Limbuwan Rajyaparishad (SLR).

Cadres of SLR had been time and again threatening journalists of chopping up their head and killing them. It is the fresh example of the series of threats; Central Member of SLR said they would sever the head of journalists if journalists did not stop writing their activities. Journalists were covering the news on 'Compulsory-donation' declared by SLR. According to journalists, they would be compelled to leave district if the situation remained the same.

Cadres of Unified CPN (Maoist) attacked News Coordinator of Kailash FM radio operated in Humla district headquarters Simikot and padlocked station on the issue of news airing regarding the misdeeds carried out by Maoist Constituent Assembly (CA) members on September 21, Monday.

Radio Kailash had covered and aired the news that the Maoist CA members distributed coupon of foodstuffs to be sold by Nepal Food Corporation in a subsidized rate to own cadres only. The responsibility of distributing coupons of food items was delegated to the respective VDC secretary.

The Maoist cadres thrashed news coordinator and padlocked the radio office for disseminating news in the way to defame own CA members.

A group assaulted station manager of Community Radio Arghakhanchi, including two other journalists while they were heading to the radio station at 10 PM in Sandhikharka of Rupandehi district on September 20.

A group of local youths Roshan Bhusal, Pramod Regmi and Ashok Bhusal stopped and attacked station manager Bishnu Acharya, including journalist duo Bishnu Lamsal and Bishnu Bilas on the way to radio station.

A group misbehaved and attacked office-bearers of Federation of Nepali Journalists (FNJ), Gulmi Chapter in Bhagawati of Arghakhanchi.

Vice-chairperson of FNJ, Gulmi Nawaraj Bhushal was injured in an attack by the group in Bhagawati-VDC-9, Bagaldanda on October 21.

The group of inebriated local youths all of a sudden forced Bhusal to get down from vehicle and roughed him up. The group also attempted to attack on other journalists.

A death threat was issued to Binod Neupane, a correspondent of Naya Patrika for Kavrepalanchowk district on October 13.

According to journalist Neupane, he received death threat through SMS and phone from mobile number 9808253592 at around 3.50 on October 13, Tuesday.

Central member of Limbuwan State Council affiliated with Loktantrik Rastriya Manch Mitra Lingdel on August 12 and September 11 speaking at a programme organized in Fidim issued threats to Panchthar Times, including other local media in Panchthar. He issued threat to media house and workers on September 11 in public. He threatened to chop off head and make blind to journalists.

Constituent Assembly (CA) member Baban Singh warned journalists from hill region of 'dire consequences' for 'neglecting' Tarai issues in media.

*(Contd. on page 5...)*

## Journalists facing...

Speaking at a mass meeting organized by Tarai-Madhes Loktantrik Party (TMLP) on Tuesday, Singh claimed journalists from hill region were the biggest enemy of Tarai. "we will not let journalists, who do not write about issues concerning Tarai, go unpunished", Singh said. He also accused the media of advancing "communalism".

The journalists, on the other hand, who had gathered to cover the event, boycotted the programme after Singh issued warnings against them. "We left the venue as we were scared," Diwakar Bhandari of Annapurna post said. He said it was unfortunate that a political leader openly issued warnings against media persons.

Home Minister Bhim Rawal drew flak for his alleged 'plan' to use journalists to spy on criminal outfits. Several media house protested Rawal's alleged plan to deploy scribes as spies as part of his special security strategy.

In its secret strategy document, the Ministry mentioned that journalists would be deployed as 'information collectors' in the centre and districts as National Investigation Department's employees and they would be remunerated and provided with facilities in return.

The plan to use journalist as spies downplayed the role of entire media sector. Journalist attending the Minister's press conference said the plan would provide licenses to criminal groups to kill journalists. The move came at a time when armed groups threatened to kill journalists only for writing news about them.

It must be remembered that the former royal government also attempted to use journalists as spies to obtain information of anti royal groups. Journalists also warned the government to scrap the plan at the earliest.

He reiterated that the government had no such plans to recruit journalists as spies. However, he tried to defend his plan saying "it would have made information sharing process much easier".

Releasing code of conduct amid the programme Rawal expressed commitment that the Ministry would continue to maintain law and order situation to bring an end to impunity and respect human rights when it came to implementing the security plan in Tarai and other troubled region.

Burning newspapers and venting anger against journalists over 'misleading' reports are nothing new. But in what may be a first of its kind, the Federation of Nepali Journalists Dhanusha chapter, a body that is supposed to champion the cause of journalism and journalists, has itself engaged in burning newspapers.

Dhanusha FNJ officials including its president on September 21 Sunday burnt down copies of Janakpur vernacular daily, over a news report related to them.

A news report entitled 'FNJ Dhanusha's annual general meeting historic' was published on September 14 in the Mithila Ritu Weekly of which President Sah himself is the editor. However, Janakpur Today on its Sunday edition had published another news report entitled "FNJ spreading rumors" related to annual meeting.

FNJ President Sah, vice president Shailendra Jha and Treasurer Upendra Bhagat Nagbanshi, among others, had burnt some copies of Janakpur Today, arguing that a news report defamed FNJ office bearers in Dhanusha. ♦

## Press Freedom Violation Incidents Continue Unabated

Assistant Sub Inspector (ASI) at Traffic Police Office, Duhabi, Padam Bahadur BK on November 24 threatened journalist Aashis Yadav, a reporter working for Namaste FM-with life in Itahari of Sunsari located in the eastern plain of Nepal.

According to journalist Yadav, he received death threat from ASI BK while he was collecting news of illegal initiatives carried out by traffic police in the Koshi road. Traffic police BK issued threat to journalist Yadav with life if the later published the news regarding illegal activities of traffic police.

Police had stopped more than half dozen loaded trucks in Koshi road in Duhabi and forcibly took one hundred rupees from each vehicle without official receipt.

Indra Biyogi, a journalist working for local Myagdikali FM radio, was attacked and injured by an unidentified group in Benibazaar-headquarters of Myagdi district-in the western part of Nepal-on November 21 Saturday evening.

The group with 4-5 youths in Ganeshtole attacked him with sharp knife on his head leaving him seriously injured while he was moving to the radio station to operate a programme.

The group assaulted him with khukri from back side at around 8 PM Saturday. Reason behind the assault has not been found out.

With serious wounds on head, journalist Biyogi was being treated in Beni hospital. "I do not know the names of the attackers but I could identify their faces", said injured Biyogi.

Investigation regarding the incident is being carried out but it is difficult to bring attackers to book while their identity is not known, said District Police Office, Myagdi.

Similarly, UCPN (Maoist)'s youth wing, Young Communist League (YCL) cadres misbehaved with freelance journalist Kishor Kumar Rai. A group of YCL cadres led by Rajan Poudel and Sagar Neupane abused verbally and pelted

stones Rai.

Journalist Rai was misbehaved at Taplejung headquarters, Fungling on November 20.

In yet another incident, Image TV Channel journalist duo, Bipana Upadhyay and Rajendra Napit, were misbehaved and manhandled in course of covering news of the Unified CPN (Maoist)'s Singha Durbar gherao programme on November 13, Friday.

Maoist cadres took control the camera and recorder of journalists Upadhyay and Napit while the latter were talking to school students present in the rally and sloganning in Anamnagar and Putalisadak during the Singha Durbar besiege.

The agitators abused and threatened the journalists on the spot taking up the issue of news aired through Image Channel.

Chief of Drinking Water Corporation, Pokhara Branch, Ram Bahadur Khawas misbehaved with two journalists who went his office in course of collecting news on November 13, Friday.

Manoj Ghartimagar, Pokhara correspondent for ABC Television and Anil Shahi, a local correspondent of Himchuli Weekly were misbehaved by Corporation Branch Chief Khawas while they were covering news of locals of Pokhara-7 who reached Corporation Office to lodge complaint for no supply of tap water

Khawas did not stop misbehaving us even after we showed our press card, said journalist Ghartimagar. "He asked me who I was to take snaps of the scene inside the office", added Ghartimagar.

"Chief Khawas also forced me to leave the office and threatened to break my camera if I remained inside the office for a single moment", Gharti further informed.

Journalist duo, Gharti and Shahi, also registered a complaint in the District Administration Office, Kaski demanding actions against the guilty officer. ♦

## Milk Farmers Misbehave with Journalists

Milk farmers misbehaved with journalists in Aaptari of Chitwan district-located in the central part of Nepal-on August 31, Monday for defying vehicular obstruction announced by the farmers. Dispute surfaced after journalists reached the area to cover news of the strike called by farmers demanding price hike of milk.

The agitators started quarrelling and abusing journalists taking up the issue that journalists had not written press in the motorbikes they were riding. Journalists responded to the farmers' concern saying they did not put the plate with press because the agitators only called for obstruction of the vehicles and it was not general strike.

Mainly four journalists-Dipendra Batuwal (Kantipur National Daily), Surya Prakash Kandel (Annapurna Post Daily), Ramesh Kumar Poudel (Nagarik National Daily) and Prakash Gyawali (Avenues Television-were treated in an indecent manner by the agitating farmers. Journalists had to enter the barrack nearby when dispute between farmers and reporters took a nasty turn, according to Tuesday's edition of Kantipur National Daily.

Again farmers started pelting stones and charging journalists with batons when the latter compelled to take shelter in Army Barrack came outside thinking that the situation calmed down. They had to seek refugee in the Barrack for three hours. ♦

## Supreme Court Annuls Inconsistent Laws

The Supreme Court (SC) ordered to quash the provision stated in clause 9 (a) of the National Broadcasting Regulations, 2052 because it is inconsistent with the Article 15 of the Interim Constitution of Nepal.

The order was handed down on November 5 hearing on the writ petition filed by Freedom Forum seeking the repeal of the provision, which was incompatible with the existing law.

A full bench comprising SC Justices Khila Raj Regmi, Kalyan Shrestha and Abadwesh Kumar Yadav made such order.

Grand Jury Member of Press Freedom advocate duo Sher Bahadur KC and Rishi Ram

Ghimire had pleaded the case, the Jury informed.

Clause 9 (a) of the National Broadcasting Regulations, 2052 states: 'None can broadcast the programmes that insult or defame His Majesty or the royal family members.'

Similarly, another sub-clause under the same clause stated that the contents banned by the Ministry for broadcasting for some period can not be disseminated.

The Forum had filed a writ petition on October 4, 2007 demanding to repeal the contradictory provision. ♦

## RTI Fosters Government Accountability on Koshi Flood Victims

In 2007 the government has enacted 'Right to Information Act 2007', specifying the provision that every citizen has access to information held by public agencies. However, the government itself is not paying due attention to promote RTI in a true sense.

The Right to Information (RTI) has done a great deal for the Koshi flood victims in Sunsari to get empowered to exercise their rights and demand compensation with the government. It is the Freedom Forum that sought information regarding the amount deposited in the Prime Minister Natural Disaster Relief Fund for Koshi victims and made public that the government had not appropriately mobilized the fund for the welfare of flood-ravaged people. Forum Chairperson Taranath Dahal on behalf of the organization registered an application at the office of Prime Minister and Council of Ministers on November 10, 2008, demanding this information.

The victims took their struggle to a new height with the disclosure of amount deposited in the Fund as a relief to victims and the amount they received. They found vast difference on the amount collected for them and what they actually received. Panchanarayan Mandal, president of Koshi flood victim struggle committee, said that they were not getting relief fund as per the budget granted in their name. With the second round of their struggle, the government provided them with compensation worth Rs. 400 million.

It is important to mention that this is an instance how RTI could help people to have access to justice and compel government to act accordingly. ♦

## SC's Order Favouring Press Freedom and RTI

The Supreme Court (SC) issued mandamus order in the name of Department of Information, Complaint Committee to provide its decision to journalist Dahal regarding latter's application demanding remuneration from Raajdhani Daily.

Journalist Dahal had registered an application in the Complaint Committee on March, 2005 after the Rajdhani Publications sacked him in an illegal manner without providing with his remuneration of working days.

A joint bench of Supreme Court justice duo, Anup Raj Sharma and Sushila Karki had issued the decision on the hearing of a writ petition filed on behalf of journalist of Rajdhani Daily Ram Prasad Dahal on September 23, Wednesday. Advocate

Rishi Ram Ghimire, who is also the member of Press Freedom Grand Jury headed by Freedom Forum, pleaded on behalf of journalist Dahal. The Complaint Committee had taken decision on the application of Dahal but the Committee declined to provide him with the decision of the Committee stating that the decision could not be provided without the directives of the respective Ministry.

Freedom Forum welcomes the Supreme Court's decision to order the Complaint Committee to provide its decision regarding the application registered by journalist Dahal. "It is an achievement made regarding the issue of press freedom and right to information on the initiative of Freedom Forum", said Taranath Dahal. ♦

## "New Constitution: Free press, Right to Information and Freedom of Opinion and Expression"

Freedom Forum organized a day long workshop on "New Constitution: Free Press, Right to Information and Freedom of Opinion and Expression" amid Constituent Assembly members, media experts and journalists in the capital on July 26, Sunday.

Gagan Thapa, Constituent Assembly member and member of the CA Committee on Fundamental Rights and Directive Principles presented the concept paper on the theme on behalf of the committee. Noted personalities, scholars and experts actively working on right issues had delivered their valuable inputs and comments on the concept paper.

It was commented at the programme that the preliminary draft on fundamental rights and directive principles was not in consistent with the recommendations of AFC and international standards. In keeping with the urgency of bringing about massive reforms in the draft, CA member Thapa requested Freedom Forum to collaborate with the committee to work out in this regard and furnish inputs during the preparation of the report before it is submitted to the CA.

The CA Committee on Fundamental Rights and Directive Principles was all set to give final shape to the draft paper on fundamental rights and directive principles to be enshrined in the new constitution. The issues of Freedom of Opinion and Expression, Right to Information (RTI) and Free Press are under the working area of this committee. Various inputs were delivered as to what provisions of freedom of expression, press freedom and right to information should be enshrined in the new constitution under fundamental rights and directives principles.

At a time when the nation was ushering into a historic responsibility of framing the new constitution, the inputs were very relevant and crucial said Gagan Thapa while responding the queries of participants. He also pledged to develop a framework as per the recommendations of participants to incorporate their views on own draft paper to be presented in the CA.

CA Member Thapa informed that the preliminary draft of the constitution regarding the press freedom, right to information and right to privacy proposed that freedom of expression and press and publication would be ensured; and registration of newspapers would not be withdrawn. Similarly, it was necessary to officially register for the publication of newspapers. However, there would be prohibition in advance on the publication of newspapers as per the law, he added.

However, the media persons complained that the government had not brought any programmes for the professional security of journalists at a time when they have been facing frequent attacks. ♦

They demanded to mention right to information and press freedom in the preamble of the constitution as an unchangeable issue. Similarly, they ruled out the beforehand prohibition on the publication of reading materials.

Taranath Dahal, chairperson of Freedom Forum, emphasized on vibrant involvement of youth CA members to guarantee democratic norms and values in new constitution. Likewise, Chairperson of Federation of Nepali Journalists (FNJ) said that new constitution should incorporate the notion of media pluralism and diversity.





## Government Policy and Budget Lack Focus on Media Reform

Freedom Forum had expressed its serious concern over the government's apathy towards bringing concrete initiatives on media reforms issue for which the Forum has been engaging its efforts through Agenda for Change (AFC) for the last two years.

The government failed to realize the urgency of bringing timely reforms in media laws and policies since its policy and programme and budget for fiscal year 2009-10 have not brought out any progressive measures for the enhancement of free press and freedom of expression.

It was regrettable that the government remained tightlipped towards formulating long-term development goals and strategies to resolve the problems of working journalists and guarantee professional safety and institutional security of media persons and house.

"Issues such as effective monitoring of the implementation of Working Journalists Act (WJA), Right to information Act, appointment of Press Registrar, social security schemes for journalists, development of Public Service Broadcasting

Authority, amendment in Press and Publication Act and National Broadcasting Act and changing government-owned media as public media are some of the genuine issues not dealt by the government's policy and programme and budget this year."

However, Freedom Forum welcomed the government's policy of exempting the renewal fee of radio FMs and Televisions, doubling the spending under Public Welfare.

Advertisements, instituting fund for the welfare of senior journalists and providing relief to journalists injured and killed during insurgency.

The Forum urged the government to implement the provisions in an effective and efficient way and remain sensitive enough to get along the essence and importance of media sector reform in line with the AFC recommendations prepared by Freedom Forum including Federation of Nepali Journalists, Article 19 and other experts and organizations.

## CA Workshop with Constitutional Committee

Freedom Forum organized the workshop with Chairperson of Constituent Assembly, Constitutional Committee Nilambar Acharya and members of his committee on September 22 so as to remind the urgency of incorporating the provisions of freedom of press and of expression and right to information in the draft of new constitution. Freedom Forum Chairperson Taranath Dahal presented the AFC recommendations to be considered while drafting constitution, especially for the reforms of press freedom, freedom of expression and right to information sector of Nepal.

The presentation incorporates the issues pertaining to freedom of expression and opinion and possible restrictions, fundamental rights of operating mass media and possible areas of restrictions and right to information and other areas such as national security, state of emergency, privilege of the parliament, contempt of court, federal affairs and power sharing. The presentation also suggests the measures to be

reckoned with while framing new constitution. On the occasion, CC Chairperson Nilambar Acharya pledged to incorporate the conclusions and recommendations in the first draft of constitution, adding he is firm to draft constitution based on democratic values and international standards. He further said constitutional guarantee of the protection of freedom of expression and opinion and free press will not be enough; it requires a responsible practices.

"Expertise of Freedom Forum will be used while preparing the draft of constitution once the report submitted by CA Committee on Fundamental Rights will be discussed in the full house", said Acharya.

He also said he had expected constant academic assistance from this organization regarding such theme of the constitution. Similarly, Freedom Forum also promised to provide with the outline of the draft to the CC.

## Radio Magazine 'Loktantra'; Innovation for Democracy

With the objective to increase public understanding on thematic issues and globally-accepted dimensions of Universal Declaration of Democracy and contribute to create the environment of political consensus and collaboration through radio, Freedom Forum initiated to produce radio program 'Radio Magazine Loktantra' in collaboration with USAID/OTI.

In keeping with the discernible impact of previous radio program in making youths/students and general public aware on the UDD-specified principles and components of democracy, the radio program is designed to enable an environment to bring together the divergent ideas and propel the politics of consensus.

It is worth mentioning here that the IPU-adopted UDD has three parts and 27 articles and Freedom Forum had already aired the radio program based on three parts of the document through 40 radio stations.

Altogether 44 themes of the UDD were identified for the production of radio magazine and basically each 30-minute radio magazine is designed to carry two themes. Altogether 22 radio magazines are expected to be produced and aired within mid-February. The program production is being undertaken and aired through a network of 32 radios across the country.

The idea is to deliver the thematic message of democracy in an extensive and comprehensive way so that our target groups and general public could build understanding on democracy clearly. In addition, the radio magazine is expected to further the existing public debate and discourse on democracy through formal and informal means such as FM radio, newspaper, gathering and so on.

## "Two Years Situation of the RTI Act Implementation Disappointing"

With the objective of reviewing the situation of two years of the implementation of Right to Information (RTI) in Nepal, Freedom Forum organized a thematic workshop on the issue among RTI activists, implementers, senior journalists and legal practitioners in the capital on September 25. The workshop organized on the occasion of Right to Know Day (September 26) had wide discussion as to what extent the government has been able to use this ACT for transparent and accountable governance.

The whole discussion was centralized on the issues flared up by the review paper prepared and presented by researcher Yek Raj Pathak. Some 27 participants took part in the discussion and expressed dissatisfaction over the implementation of RTI in Nepal. They focused that RTI should be massively used to empower democracy and the political parties and government should demonstrate high level of commitment to use this Act for good governance and empowering people. They also accused the government and NIC of ignoring the implementation of RTI and being unable to work as per the spirit of the Act and Regulation.

"The Implementation could not meet the spirit of the Act; it failed to embrace the essence and significance of the Act. The two-year of the implementation does not live up to our satisfaction", stated the working paper presented by Mr. Pathak. "The government feels that its responsibility was over after the promulgation of the Act and does not take concrete steps to make its massive publicity and reach it to the people's level which resulted in the non-implementation of the Act", he added.

Freedom Forum Chairperson Taranath Dahal, commented, "it is very disappointing situation that people are still not aware that information held by public bodies could be received on demand. No government mechanism is looking into the enforcement and monitoring of the RTI implementation". He stressed the need of active and cooperative role of the NIC towards promoting information culture in Nepal and RTI should be taken in a broader sense connecting it with people's empowerment, democracy strengthening, poverty reduction, good governance and livelihood.

## Initiating Functional Debate on Federalism

Freedom Forum initiated functional debate on federalism at local level in 20 VDCs-10 VDCs each of Okhaldhunga and Ramechhap districts-with the objective of capacitating local people by imparting relevant information on constitution making process, roles and responsibility of the major actors as well as collecting local people's voice regarding local issues to be addressed in new constitution. The programme is being implemented in association with Association of District Development Committees of Nepal (ADDLN) and National Association of VDCs in Nepal (NAVIN) with support from SDC.

The major thrust of the programme is to hold debate on the issues concerning structure, service and resource sharing at local level. The major components of the programme are functional debate and collection of voice of indigenous and nationalities on constitution, production and airing of 14 radio programme through central and local radios, production of a 30-minute television documentary and telecast from a national television channel and preparation of a monograph and submission to the Constituent Assembly (CA).\*

## Nepal up on press freedom index

Nepal has improved its standing on global press freedom index in 2009 as compared with position last year in the annual press freedom index released on October 20, Tuesday. Reporters Without Boarders revealed that Nepal jumped to 118th position among 175 countries monitored by global media watchdog. Nepal was in 138th position among 178 countries last year. Iran's crack down on journalist amid post election protests and Israel's squeeze on media during its Zaga offensive drew black marks as both the countries' standings fell on the ranking.

The United States came in for rare praise from the Paris-based group, rising from 40 on last years ranking to No 20 this year. The group attributes the rise to more relaxed attitude toward the media under President Barack Obama. But it warned "The attitude of United States towards the media in Iraq and Afghanistan is warring" noting that number of journalists were arrested or injured by US military over the year period ending Aug 31.

The group, also known by its French acronym RSF, compiles data on attacks arrests, laws and overt or covert censorship in determining its list. European countries lay the list of 175 countries, with Denmark, Finland and Ireland

the top three. The bottom three countries remained unchanged from previous ranking: Eritrea, North Korea and Turkmenistan.

Just above them was Iran, at 172nd, dropping from the previous ranking after protest, Iran's government barred foreign media from reporting and taking pictures and video on the streets, and authorities blocked many online reports and arrested several bloggers and journalists.

### Largest massacre of journalists ever takes place

At least 21 journalists were killed in a massacre of more than 52 people after being abducted by armed men in the Philippines this week, reports the Manila-based Centre for Media Freedom and Responsibility (CMFR). This is the largest group of journalists killed in a single incident in the world. Many of the victims were beheaded and mutilated; some of the women were raped.

"Automatic prior censorship, state surveillance of journalists, mistreatment, and journalists forced to flee the country, illegal arrests and imprisonment- such is state of press freedom this year in Iran" the report says.

The group also criticized Israel for restricting journalists during offensive in Gaza Strip. Israel sank to 93rd place overall. "This noise-dive means it has lost its place at the head of Middle Eastern countries", the group said.

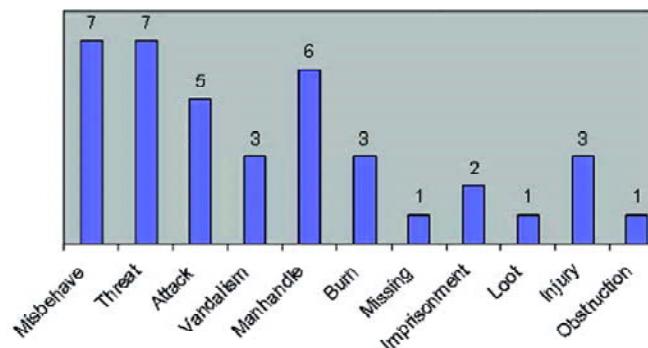
Israel is now ranked behind Kuwait, the United Arab Emirates and Lebanon.

RSF said three journalists were killed covering Gaza offensive, 20 wounded by Israeli forces and five were arrested. Somalia was the world's deadliest country for reporters over the year, with six journalists killed. Russia dropped 12 places after new killings and attacks on journalists, the report said.

The group cautioned democracies in South Korea and France, both of which saw arrests and investigations of journalists last year. "How can you condemn human rights violations abroad if you do not behave irreproachably at home?" Reporters Without Boarders secretary general Jean-Francois Julliard asked in the report.

Source: IFEX

### Incidents of Press Freedom Violation in Nepal during July - November, 2009



<b>Misbehave</b>	<b>7</b>
<b>Threat</b>	<b>7</b>
<b>Attack</b>	<b>5</b>
<b>Vandalism</b>	<b>3</b>
<b>Manhandle</b>	<b>6</b>
<b>Burn</b>	<b>3</b>
<b>Missing</b>	<b>1</b>
<b>Imprisonment</b>	<b>2</b>
<b>Loot</b>	<b>1</b>
<b>Injury</b>	<b>3</b>
<b>Obstruction</b>	<b>1</b>
<b>Total</b>	<b>39</b>

No. of Journalists Affected : 63

Our Websites:



Mail To :

Published by:

**Freedom Forum**

P.O. Box: 24292, Kathmandu, Nepal  
Tel / Fax :977-1- 4102030 / 4102022

Email: info@freedomforum.org.np  
freedomforum@enet.com.np  
Website :  
[www.nepalpressfreedom.org](http://www.nepalpressfreedom.org)  
[www.freedomforum.org.np](http://www.freedomforum.org.np)

Editor  
Krishna Sapkota

Graphics  
Kiran Kandel