Freedom Forum organized a discussion program named ‘A Decade of RTI Act in Nepal: Opportunities and Challenges’ in Kathmandu on September 27 marking the First International Day of Universal Access to Information.

During the program, the speakers from government bodies and civil society discussed multifarious issues of good governance linking it to the Right to Information (RTI) Act in Nepal on Tuesday. The celebration of the First International Day to Universal Access to Information coincided with a decade of introduction of the RTI Act in Nepal. The RTI is taken as one of the most vibrant and effective tools to build good governance.

The UN Assembly in 2015 had approved September 28 as the International Day. At the program organized by Freedom Forum, Chief Information Commissioner, Krishna Hari Baskota, expressed concern why the government officers were reluctant to share information of public concern. “Information sharing is not only for citizen’s rights but for the promotion of information culture within the bureaucracy which boosts transparency,” he argued, admitting that RTI was yet to be engrained in grassroots. Farmers and workers should be aware of their rights through the publicity of RTI, he underscored. The Chief Commissioner Baskota warned the Information Officers of action if they did not abide by the RTI Act.

On the occasion, Member of the National Human Rights Commission, Sudip Pathak, wondered why none was seeking information with the NHRC in the recent past while there were piles of complaints during the conflict period. “Only one RTI application was filed in the last two years at NHRC. Why none wants to get information about the follow ups NHRC made on the conflict-related complaints,” he underscored.

Dr Ramkrishna Timalsena, who had an active engagement during introduction of the RTI Act in Nepal, observed that RTI was for promoting participatory democracy. “RTI is such mighty tool that helps transform political democracy to social and economic democracy which Nepal is in dire need of.” According to him, the existing hierarchy in bureaucracy, imbalanced distribution of information and unbalanced development are the major challenges to RTI. Hence, it is high time to use DIKW (Data, Information, Knowledge and Wisdom) formula and mentor judges to be accountable to constitution and public, as they are the supreme agencies on developing constitution, he underscored.

“Let’s break bureaucratic black box of secrecy, collaborate together and use rights together,” he called upon the participants.

Similarly, Chief Executive of Freedom Forum Taranath Dahal said broader acceptability of RTI was the need of hour. RTI is for bolstering the fundamental values of democracy where people are supreme. “RTI is the mother tool to ensure good governance, transparency and accountability,” he underlined.

On the occasion, Chief Executive Dahal called the RTI activists to register information applications at several organizations nationwide to mark this year’s Day. He also informed that FF had filed 45 important applications at different public agencies marking the International Day.

He also brought the reference of open governance movement arguing that it could be an umbrella movement of social accountability, transparency, and participation.

Chairman of the Campaign for Human Rights and Social Transformation (CAHURAST) Bishnu Pukar Shrestha said although our
The government brought the National Mass Communication Policy on 22 July this year. After the promulgation of the present constitution of Federal Democratic Republic of Nepal, a high-level committee was formed to draft this policy on 3 February for the development of the mass communications in the spirit of the new constitution. The committee was formed comprising nearly a dozen of journalists aligned to the ruling Communist Party of Nepal (Unified Marxist Leninist) and some few mass communication experts. Therefore, it was received criticisms in the very beginning. The committee with majority of the inexperienced members submitted report to the Minister for Information and Communications, Sherdhan Rai, from the ruling party on 20 July. Minister Rai immediately lauded the draft policy and it did not take few days for the government to approve the policy without any discussion and dialogues in the public. It against created intense debate why the policy was endorsed without holding public discussion.

The draft policy containing 80 pages has the proposed statements from pages 24 to 38 (14 pages). It has nine objectives, 25 basic policies, and 10 subjective area policies. Subjective policies included: broadcasting area, public service broadcasting, private and business broadcast, community broadcast, news agencies, print media, online media, films, advertisements, and television signal and cable distributors. Similarly, the policy also mentions the strategies of its execution and review in every 10 years. With this policy in place, it dismissed the first media policy of 1992 which was produced after 1990’s democratic revolution.

The policy has restored such undemocratic values that have enabled the government’s role in mass communications and further strengthened the government-run media. The constitution brought last year have distributed the rights of regulating media and journalists to the governments in all three tiers-local, provincial and federal. Although the policy has aimed at making clear these rights for their effective implementation, it has concentrated the implementation rights to the central government. It has therefore failed to internalize the constitution’s spirit of the liberal and extensive decentralization. It has come to further empower the central government’s rights.

Saying these, it does not mean that the policy lacks the positive sides as encouraging accountable and responsible mass communication and promoting media pluralism. Other positive approach it has are—establishment of media as an independent and self-reliant industry and making media accountable to uplift the people’s standard. Despite these positive points, it has some contents that are quite contrary to the Media Development Indicator prepared by the UNESCO, contrary to the international values and standards of the freedom of expression. It has rather abundant contents that reflects the thoughts of a single-party rule and is hostile to the values of the democratic State. It obviously harbors worry that the country won’t have satisfactory media development trend. Similarly, when illiberal political leaders reach the executive power, the provision in the policy can be easily misused, which is a serious concern. And if constructive advocacy is not waged to exert pressure on the concerned agencies, it would result in regret.

Although it is laudable and encouraging that constitution has guaranteed full press freedom in the very preamble, the provisos on the rights to FoE and communication under the fundamental rights are already the factors creating fear that FoE would be shrunk at any time. In addition to this, the government becoming the practitioner of the freedom with hostile provisos rather than protecting press freedom indicates difficult days in store. At a time when the political and administrative leaderships are un receptive to the democratic values, and the misuse of power has been a common culture, the ambiguous constitutional provisions and policy documents will gradually shrink the sphere of freedoms. Similarly, Nepali society is yet to evolve itself as a liberal democracy. The system developed after the traditional control-mindset has not flourished in the pace it was expected. It is finely reflected in the National Mass Communications Policy-2016.

Yes, there are a lot of words and phrases used describing the importance of fair, healthy, independent, respected, accountable and professional mass media, but the drafts of the acts being proposed along with this policy have numerous aspects that tarnish the democratic values. Coordinator of the National Mass Communications Policy-2016, Kashi Raj Dahal had observed that the policy is the result of integration and compromise of various political faith. So, he himself was not fully for this policy, arguing it was the amalgam of diverse views. However, he said it could be reviewed and revised as per the need. It was also learnt that while preparing the draft of this policy, democratic values were compromised time and again. Therefore, taking this policy as it is may not fully promote professional journalism. It is therefore a need to promote the positive aspects of the policy while advocating for the corrections on the faulty contents. This way, Freedom Forum has observed this policy from both angles—some support, some criticism. With this, we have advocated for the revision of the policy. The implementation of the positive points of the policy are always the regular activities of the FF, with its concern over the faulty points.

Taranath Dahal

Message from Executive Chief

Journalists’ wage in gazette

It is a welcome move that the government published its decision on the wage of working journalists in gazette. The government had fixed the monthly wage of working journalists at Rs 19,500 in minimum to be effective from 16 July 2016. The government made this decision after the recommendation by the Minimum Wage Fixation Committee. Earlier, the minimum monthly wage fixed for the working journalists was Rs 10,000.

“It is a huge achievement for the working journalists in Nepal. It helps media houses to abide by the government’s decision on journalists’ financial security,” said Ram Prasad Dahal, member of the Minimum Wage Fixation Committee. The wage was fixed in line with the Working Journalists Act, which advocates for the rights of the journalists.

Similarly, then Chairperson of Freedom Forum, Taranath Dahal, observed, “The government decision to endorse committee’s recommendation on journalists’ wage and the publication in its gazette not only documented the decision in favor of working journalists but also created atmosphere to ensure financial security of the journalists. However, more pressure campaigns should be continued to make media houses respect journalists’ rights.”

FF, which has been continuously advocating for professional and financial security of the working journalists, hopes the publication of the recommendation of Wage Fixation Committee on gazette would encourage journalists for better performance. The financial and professional security of journalists go side by side thereby promoting enhanced work atmosphere.

At a time the many journalists are low paid, while many paid late, and even not paid, the publication on the decision would help prod stakeholders to pay heed to due remuneration to the working journalists.
Press Freedom Violations

Political leader, DDC staff attack reporter

Reporters with News 24 TV, onlinekhabar news portal and Arthik Abhiyan daily, Raj Kamal Singh, from Dhanusha district was attacked over a news story he published in the Arthik Abhiyan daily on September 13.

The reporter was attacked on September 14 over the news story that was about the misuse of budget in the District Development Committee (DDC) and Constituency Development Fund. A group of some seven persons led by Nawin Gohiwar, President of Dhanusha Constituency-1 of Nepali Congress party attacked reporter Singh reasoning the news earned disrepute to Gohiwar’s political image.

Reporters Singh said, “Early in the morning while I was in a teashop at local Bhanuchowk of Janakpur, I received a call from Nawin Gohiwar, asking to meet him to talk on some issues. But, within a minute of phone talk, a group of seven people including Nawin Gohiwar, and some staffs from DDC attacked me and attempted to abduct. Their intention was to abduct and torture me. They attacked me with fists. I got serious injury on back of my head and had to take medicine.”

Political leaders attack radio manager

Bhanubhakta Niraula, Managing Director at Himal FM of Solukhumbu, a district in the eastern mountain of Nepal, was attacked by the district leaders of the Communist Party of Nepal (Unified Marxist Leninist), Buddh Kumar Rajbhandari and Ashwin Thapa, over a news story the FM aired on June 10.

“Why did you air the news about peace committee,” threatened Rajbhandari and Thapa, kicking and attacking me with fist near the District Administration Office, said Niraula, adding that his eye glasses were broken and he got injury on face. The local administration denied to register a complaint against the attackers, Niraula shared the plight.

Death threat over facebook

Chief reporter with the Saptahik weekly, Aswini Koirala, was issued death threat over a news story he published in the online news portal – www.ekantipur.com- on July 8. The Saptahik weekly is published from the capital city and it is the sister publication of Kantipur Publications.

The news story was about the harassment of a female actor by an employment agent in Japan. Both the female actor and employment agent are Nepalis. Talking to Freedom Forum’s media monitoring desk, reporter Koirala said, “I had written the news story by garnering information from both sides. But the employment agent named Anuj Shakya threatened me over face book.”

“Although I’m in Japan, I can mobilize a gang of goons to finish you off at any time because you ruined my career. Why did you exaggerate the news?”, said reporter quoting the agent. According to the reporter, the employment agent Shakya is in the wanted list of police, for he had defrauded many Nepali aspiring jobs in Japan.

Threat: Meanwhile, journalist Manoj Rai (Bhadragol Kirati), the editor of the Gaunle monthly, informed Freedom Forum in July that even after he spent 10 days in detention for his writing a book, he was receiving threat of physical attack from the followers of Ommand God Angel. He was kept in detention for ten days in Kathmandu for sharing on Facebook the investigative articles and booklet he wrote on a religious guru. His book entitled ‘fraud Ommand (God Angel)’. ⭐️

Attacks

A. The taxi drivers and entrepreneurs attacked two photojournalists while reporting on their strike in the capital city Kathmandu on 27 September.

Saroj Baiju affiliated to the Annapurna Post daily and Chhiring Lama with the Commander daily were attacked by the agitated taxi drivers, saying, “Why are you writing and photographing us?”

Photographer Baiju said the agitated taxi drivers and entrepreneurs pelted stones on their cameras. “We had to take shelter in the nearby house to escape the injury,” Baiju said, adding that the stones they pelted broke his camera lenses.

B. Dev Narayan Saha, a reporter with the Kantipur daily from Siraha, a district in the southern plain of Nepal, was attacked by a local over news reporting on August 17.

A local Birendra Yadav slapped the reporter Sah while he was reading newspaper at stationery in the morning.

Sah said, “I had written a news story about the delay in construction of a public building some days before. Citing this news, Yadav slapped me.”

However, after a day, Yadav apologized before Sah in the presence of police officers.

C. Reporter with Radio Mirmire, Sudip Bardewa, was manhandled by the Nepal Police on the premises of Department of Transport Management, Kathmandu on Wednesday, 21st September.

The reporter was manhandled over a video record of the Police pounding sticks over the costumers who started staging against the department. The costumers started staging when the management published the notice that no driving license would be issued due to internet-related problems.

Even after showing his Journalist Identity Card, Police did not stop beating but also took him under control for some hours. ⭐️
Office building of FM Radio bulldozed

The office building of Radio Dhading (106 MHZ) of Dhading, a neighboring district to the capital city, Kathmandu, was demolished all of a sudden by the local administration early on September 23.

Station Manager of the FM, Rajaram Sharma, said, “A team mobilized by the district authority reached the FM station at 4:00 am, forced the employees out of the office and bulldozed the building. It not only destroyed the equipment but also halted radio service completely. The loss of some Rs 10 million was caused by the attack.”

Station Manager Sharma also claimed that the employees in the office building were also manhandled while forcing them out of the office. It was early morning, some employees were sleeping.

The FM Radio had shifted its office to a nearby local Amarawati Community Forest after its building was collapsed during the devastating earthquake of April 25, 2015.

Earlier too, the District Forest Office had tried to bulldoze the office reasoning it was in the community forest, and was forcing the FM management to remove the office. Even a case was filed at Supreme Court demanding the relocation of the FM station. But, the Court had sought the reason with the District Forest Office behind the demand of relocation of FM building, reasoning the State itself is the protector of the community media. The case was under consideration. Instead of adopting a peaceful and lawful measure to solve problem, the one-sided attack on the media house is vehemently condemned. However, the FM was resumed after a day.

Directive on Online Media Breaches FoE

In June, Freedom Forum was alarmed over the decision of the government on ‘Online Media Operation Directive 2016’. The government passed the directive, which has the provisions that breach freedom of expression on internet and right to the operation of online media in free atmosphere.

The meeting of the Council of Minister approved the Directive on June 14. The Directive had the provision that government could block websites if they failed to renew their registration on time, and published content against the law.

“The provision of blocking websites undermines freedom of expression (FoE). If the online media are found breaching laws, they should not be blocked but the laws related to right to privacy, defamation, contempt of court and others can be applied,” observed Taranath Dahal, then Chairperson of Freedom Forum.

Mr Dahal added that government should not silence media until they pose clear and immediate risk. “Some provisions in the directive are quite unclear,” he said, cautioning, “The chances of misinterpretation will always remain high in some provisions including online media should not publish, broadcast any content with unofficial source and content which is contrary to decent public behavior or morality,” he claimed.

As per the directive, one needs to register online media before launching it, that is to say, any website that wants to do online journalism should apply for registration with details of editor or broadcasters.

At a time when the online media are gradually becoming quick, convenient and the major source of information to the people living even in the remote areas of the country; government’s dictatorial move undoubtedly tries to silence such new media.

It is noted that there was not compulsory registration earlier. In stead of this, government could focus on effective implementation of defamation, privacy, contempt of court and other laws to control irresponsible content.

Interestingly, cowering before the pressure created by FF and the media fraternity against the hostile Directive, the Ministry of Information and Communication suspended the Directive.
Information seekers arrested, peaceful gathering intimidated

It was quite alarming that information seekers were arrested in the capital city on August 14. A group of activists campaigning for good governance named Solidarity for Dr KC Alliance had reached at the anti-graft body, Commission for Investigation of Abuse of Authority (CIAA), to register an application seeking information about the property details of Chief Commissioner at CIAA, Lokman Singh Karki. The CIAA not only rejected registering the RTI application but also mobilized police and took nine activists under control for four hours. Those arrested by the police were Sashi Bikram Karki, Bijay Babu Shivakoti, Bhupa Dev Sah, Kedar Shivakoti, Raju Alemagar, Tina Shivakoti, Anant Pant, Sara Pyakurel and Rohit Chhetri, said alliance member Jagannath Lamichhane. They were however released after some hours. Every citizen has the right to seek information from the public body, of public person, on any issue of public importance. Similarly, everyone has the right of peaceful gathering. But, the CIAA violated both of these rights. It is the mockery of constitutional body to act against the practice of citizens’ fundamental rights.

License exam for journalists faulty

Press Council Nepal’s decision to make one appear exam to be journalist drew flak. It is quite ridiculous to make one appear exam by the Press Council, a State body, to be journalists, because the qualification tests of journalists can be conducted by the concerned media houses. It’s the media house’s right to determine the sort of human resources is required for it. Press Council came up with such decision in August.

As the Council is the State-run body, it is highly likely that only those favouring government can be journalists which is fully against the freedom of expression principles and practices.

Journalism is related to creativity and expression. Setting standard for anyone to enter this field is quite undemocratic effort.

Of course, the quality journalism is the need of hour. But taking exam for journalists does not ensure quality but restricts many to be journalists and flastly violates citizen’s freedom of expression.

Instead of holding exams, trainings and orientations to journalists can be encouraged to boost quality and professionalism. Therefore, restricting people’s entry to journalism does not suit democratic principle but serve authoritarian mindset.

There is already a bad practice that accreditation card to journalists is issued by the Department of Information run by the State. Similarly, before eight years, the Supreme Court had issued an order to see the rights of journalists by establishing separate office of press registrar, which however is not implemented yet by the government.

Towards widening CSO base for OGP

In a bid to review Nepal’s status and progress on joining the Open Government Partnership (OGP) global movement, Freedom Forum had brought together the representatives of a section of relevant organizations working on the issues of transparency, accountability, citizen participation and innovation in Kathmandu on July 26.

The gathering was organized to share CSO advocacy efforts to advance the OGP agenda in Nepal and make country a part of the movement – which was already joined by 70 plus countries including Sri Lanka from the South Asian region.

Shedding light on the fundamentals of the OGP, Freedom Forum Chairperson Taranaath Dahal said the multilateral initiative envisages government and CSO working hand-in-hand to build trust and synergy to promote its core values – transparency, accountability, civic engagement and innovation.

"CSO participation in every process of development is what OGP advocates for. It has defined civic space as an integral part of the movement and CSO as a respectful partner of the government rather not a subordinate part", he added.

It was shared that Nepal’s efforts to initiate the process of joining OGP was on hold for lack of proactive role on part of the erstwhile government despite careful preparations. A taskforce comprising members from CSO, government and National Information Commission was formed and it submitted a report recommending the government to take strides on becoming the member of OGP but the process was not initiated from the government side to forward the letter of intent.

In this context, the meeting agreed upon to take ahead CSOs preparation to further lobby with the government to get the process through. Likewise, the gathering also called for forming several dedicated thematic groups from CSOs in different areas of OGP such as access to information, open parliament and public service delivery, among others.

The meeting was attended by Freedom Forum Chair Dahal, Executive Director Krishna Sapkota, Media Monitoring Officer Narayan Prasad Ghimire, NGO Federation Executive Director Daya Sagar Shrestha, CAHRAST Chairperson Bishnu Pukar Shrestha, Media Advocacy Group Chair Babita Basnet, Sharu Joshi from UN Women, Kshitiz Khanal from Open Knowledge Nepal, Joshwas Lesle Sherchan from Open Nepal, Dinanath Bhattacharai from Transparency International, National Forum for Advocacy Nepal Chairperson Bhola Bhattarai and advocate Sanjeev Ghimire, among others.
RTI applications prodding public agencies
First International Day to Universal Access to Information

Freedom Forum marked the First International Day to Universal Access to Information coinciding it with a decade of the introduction of the RTI Act in Nepal by seeking information with various public agencies including the Office of the Prime Minister and Council of Ministers in a bid to make public agencies accountable and transparent as part of building good governance.

Senior RTI activist and Chief Executive of FF, Mr. Taranath Dahal, and RTI campaigner Kumar Chaulagain requested information from various 30 ministries and 15 other governmental organizations on 28 September. All total 45 applications were filed the same day. In line with Article 27 of the Constitution of Nepal 2015, and Section 3 and 7 (a) of the RTI Act 2007, Mr Dahal and Mr Chaulagain requested the following information with the Office of the Prime Minister and Council of Ministers and other ministries:

1. Total number of vehicles owned by the office (motorcycle, car, jeep, truck/container, etc) and the vehicle numbers
2. The vehicles out of use, their condition and parking
3. Number of drivers for the vehicles and their status (temporary, permanent, contract or others)
4. The fuel expenses incurred with the operation of these vehicles in the past two fiscal years and till today (date of the information sought) of the current fiscal year and the details of total expenses on it
5. Total maintenance cost of the vehicles in the past two fiscal years and till today (date of the information sought)
6. Details of the vehicles waiting immediate auction

The public agencies (governmental institutions) where the RTI applications were filed are:

A. Ministries
1. Office of the Prime Minister and Council of Ministers
2. Ministry of Home Affairs
3. Ministry of Defence
4. Ministry of Finance
5. Ministry of Agricultural Development
6. Ministry of Forest and Soil Conservation
7. Ministry of Foreign Affairs
8. Ministry of Labour and Employment
9. Ministry of Land Reform and Management
10. Ministry of Water Supply and Sanitation
11. Ministry of Cooperatives and Poverty Alleviation
12. Ministry of Commerce and Supplies
13. Ministry of Energy
14. Ministry of Science, Technology and Environment
15. Ministry of General Administration
16. Ministry of Health
17. Ministry of Population and Environment
18. Ministry of Industry
19. Ministry of Information and Communications
20. Ministry of Irrigation
21. Ministry of Law, Justice and Parliamentary Affairs
22. Ministry of Federal Affairs and Local Development
23. Ministry of Peace and Reconstruction
24. Ministry of Physical Infrastructure and Transportation
25. Ministry of Science and Technology
26. Ministry of Tourism, Civil Aviation and Culture
27. Ministry of Women, Children and Social Welfare
28. Ministry of Youth and Sports
29. Ministry of Urban Development
30. Ministry of Livestock Development

B. Others
1. Department of Civil Personnel Records
2. School Teacher Record Office
3. Department of Police Personnel Records
4. Civil Aviation Authority of Nepal
5. Nepal Rastra Bank
6. Tribhuvan University
7. Military Personnel Records
8. National Planning Commission
9. National Reconstruction Authority
10. Legislature Parliament Secretariat

Response to RTI applications
Among the above institutions, the Office of the Prime Minister and Council of Ministers, National Reconstruction Authority, Company

Registration Office under Ministry of Industry, and Ministry of Law, Justice and Parliamentary Affairs have provided information, whereas, Ministry of Agricultural Development and Irrigation, Ministry of General Administration, and Irrigation Ministry have responded through letters, saying they were in a process of preparing data and would share very soon.

However, other institutions have failed to respond. It may be because of the Dashain festival. But, as a rule, the public offices need to provide information within 15 days of the registration of RTI application. In view of the failure of numerous offices to provide information, Mr Dahal and Mr Chaulagain have filed complaints addressing the Office Chiefs reasoning their information officers denied information with the stipulated 15 days.

113 Countries Adopt RTI Law
So far, 113 countries have adopted Right to Information (freedom of information) Act across the world. Sri Lanka, Philippines and Kenya have recently passed the RTI law. According to the Global RTI Rating conducted by the Centre for Law and Democracy (CLD) and Access to Info, Nepal stands at 25th position among 111 countries. The RTI Rating has assessed every country RTI legal framework according to different 61 indicators. It has also analyzed the quality of the world’s access to information laws. The Rating has mentioned the countries, which have recently passed the RTI laws. The top 10 and the bottom 10 countries according to the Rating are:

**TOP 10**
1. Mexico
2. Austria
3. Liechtenstein
4. Slovenia
5. India
6. Czechia
7. France
8. El Salvador
9. India
10. Senegal

**BOTTOM 10**
1. Mexico
2. Austria
3. Liechtenstein
4. Slovenia
5. India
6. Czechia
7. France
8. El Salvador
9. India
10. Senegal
Govt. offices still secretive, traditional

Bishnu Prasad Chaulagain, an RTI campaigner from Dharan-13, Sunsari, has been untiringly working for the cause of good governance by seeking information from the public agencies since 2013 after he received training on ‘Practical Use of Right to Information (RTI)’ from Freedom Forum. Recently, he has been working as a Program Coordinator for the Right to Information Development Network (RIDN), Sunsari established in December 2015. Freedom Forum’s RTI Desk had interviewed Mr. Chaulagain on the current issues and challenges prevailing in the use of RTI in the local level.

FF: Till date, how many applications have you filed and to which organizations?
Chaulagain: Under RTI campaign, our network has filed 26 applications relating to education, health, administration, economic activities and agriculture in different government offices in the district. Some of the offices from where the information as sought are District Post office, District Education Office, District Administration Office (DAO), District Development Committee, Municipality offices, Village Development Committees (VDCs), health centers, police stations and traffic police offices.

In the central level too, we demanded information regarding the activities of Sunsari district and status of implementation of RTI from the National Information Commission, National Planning Commission (NPC), Ministry of Home Affairs and the Prime Minister’s Office.

FF: What is the response from these organizations and their status of RTI implementation?
Chaulagain: Except some offices, most governmental organizations are still traditional, as they argue that office information should be kept secret and out of the reach of the public. Namely, District Post Office and District Education Office (DEO) have responded well to the application and provided information on time. The information provided by DEO has revealed the fact on extensive corruption in the aid it provided for construction of school building of Panchkanya Secondary School, Dharan. Later, a corruption case was filed at CIAA.

DAO, DDC, health centers, Itahari municipality have not responded at all. However, NPC and PM’s Office have provided information.

FF: What sorts of challenges did you face while requesting for information?
Chaulagain: I have faced many challenges including threats in the course of seeking information from government offices. RTI implementation is limited only on verbal commitment. Due to lack of interaction and coordination among officials and RTI activists, a gap has emerged thereby making the task further challenging. Despite having knowledge of the importance of RTI, they deny information. It may be due to tradition of acting secretively. In some cases, lack of RTI knowledge and training is also a factor.

FF: Working for three years, what changes did you witness in public agencies in terms of RTI implementation?
Chaulagain: Despite challenges, significant implementation of RTI has been observed in the public agencies (government offices). The best example is Dharan municipality, which has disclosed all its information relating to finance, meeting reports and others. It also welcomes inquiries through e-mail and SMS systems. Some organizations have also coordinated in the monitoring and implementation of RTI. Dharan municipality had recently organized interaction program on RTI with the participation of politicians, journalists, social mobilisers and RTI activists. There were 65 participants in total.

FF: As a campaigner, what would you like to suggest for effective implementation of RTI?
Chaulagain: For the effective implementation of RTI, district level organizations should be compelled to abide by the RTI Act and the National Information Commission should take strong legal action to those not abiding by the law. Efforts from governmental and non-governmental sectors on RTI trainings and district level interaction and meetings are the most lacking points. The public agencies can set up a separate RTI help desk. Lack of coordination is another hurdle on effective implementation of RTI. At least a monthly interaction program should be conducted with the participation of both demand and supply sides.

RTI effect in Jajarkot

After I received 5-day training on RTI in 2011, I learnt various new things that I could work on for the transparency of public offices and justice to citizens who are deprived of their rights on many grounds. An esteemed organization named Freedom Forum provided the residential training on ‘Right to Information (RTI)’ in Kathmandu from 22 to 26 August 2011. The training made me aware that there were a lot of places/offices misusing money and hiding information from the public in my district too. So, I committed to RTI campaign in my district, Jajarkot, a remote and backward place in the Midwestern region of the country. Even though the RTI Act was brought in 2007 in Nepal, its initiation and campaigns in Jajarkot started only after five years. During the training on RTI, I was made aware on all fundamental things relating to RTI from its meaning, message, importance, practices and its relations to the good governance. That very five-day training kept me in the RTI campaign since then.

Talking of my efforts in the district, an organization named Right Forum Nepal was formed by uniting youths across the district. Then, we started filing RTI applications seeking information from several public offices in the district and conducted RTI trainings and orientation side by side. Currently there are more than 5500 citizens provided orientation on RTI and its importance directly indirectly. Beginning with the mission of demanding and receiving the information in collaboration with official bodies, Right Forum Nepal have organized many programs in various places of the district to address citizens’ basic rights to demand information.

Remarkable achievements have been made with this on practice of information disclosure relating to social security allowance, food distribution from Nepal Food Corporation, and activities of District Development Committee. My district suffered a lot in terms of public service delivery. There was the tradition of receiving social security allowance provided by the government in the fake names of dead people, non-existing people. Both VDC/DDC staffs and so call big people in the community shared such amount gained with fake distribution. In view of this anomaly, Right Forum Nepal filed application to Lalah and other VDCs about those who used to receive such allowances. During one year of filing applications, we discovered irregularity of more than Rs 10 million from various VDCs through fake documents. With our RTI campaign, the malpractice has reduced heavily.

Similarly, we have been producing several radio programs and publishing news on local newspapers on RTI campaign regularly with the objective of making citizens aware of their rights. DDC is also supporting the campaign actively. These days on 3rd day of every month, information officers of almost all offices call a meeting to choose their information officer for next month. Similarly, those offices have also started to publish their information quarterly according to the given format within the stipulated time from the fiscal year 2016/17.
Freedom of expression on internet in Nepal

Internet is the fastest and easiest global channel people opt for exercising freedom of expression. Irrespective of the volume, access and availability, the internet is the best communication platform people use to express their views and opinions that have emerged as a booster and facilitator of free expression practice. Remarkable changes have occurred in political, economic and social systems with the exercise of FoE on internet. Nepal, though a Least Developed Country (LDC) is striving to graduate to a developing nation, has not remained aloof in this regard. The internet penetration has reached out nearly to 50 percent of the total population. The social networks as Facebook and twitters and the news portals are luring significant number of youths from diverse sectors. With this background, Freedom Forum, as a civil society organization, devoted to the cause of democracy, with the commitment to the advocacy of the broader freedom of expression, obviously took this matter with keen interest and priority.

With the financial support from the International Freedom of Expression Exchange (IFEX), the global network of freedom of expression, having more than 150 members across the world, Freedom Forum has prepared a report on Freedom of Expression on Internet in Nepal. Mainly, the report has finely analyzed the most relevant legal provisions and policy issues relating to the internet and its infrastructures. The provisions in the existing constitution, Acts, policy have been reviewed from the lenses of the freedom of expression standard and practices. The national legislations on FoE are compared with the international instruments seeking the standard. The report has also touched upon the introduction and expansion of internet in Nepal. In addition to this, the report has garnered views on the research title from the concerned experts and practitioners, and showcased the case studies (stories of those becoming victim of the hostile laws/Act for mere practice of FoE on internet) from legal eyes.

Similarly, the State is not only made aware of its backwardness to bolster FoE on internet but also suggested how the FoE on internet could be promoted and expanded guaranteeing conducive atmosphere for the people on it.

It is believed that the report, as a solid basis/resource on the most pertinent issue of FoE, is to help whet the debate and discussions on FoE on Internet in Nepal and draw attention from diverse sectors on it.

Nepali media giving less space to climate change issues

It was found that Nepali media have failed to give adequate emphasis on the burning and sensitive issue like climate change. Such revelation came after a media monitoring conducted by Freedom Forum. The monitoring was named "Media Audit on Climate Change, Disaster Risk Reduction and the European Union in the SAARC Region".

The monitoring was conducted in view of the climate change contributing to an increase in disaster risk and the disaster risk management becoming vital and urgent component of any climate change adaptation program.

Freedom Forum in collaboration with the IUCN conducted a media assessment on a workshop to provide evidences to understand current reporting/visibility of the European Union (EU) as well as Disaster Risk Reduction (DRR) and Climate Change Adaptation (CCA) in the SAARC Region. The assessment was carried out based on the coverage of select ed SAARC media outlets on the topics during two months audit period spanning from April 26 to June 26, 2016.

The basic methodology employed in this exercise was a media monitoring. The primary focus of the monitoring was on coverage of topics relating to the CCA, DDR and EU.

Total 61 media outlets including 20 (10 print, 5 online and 5 television) from Nepal, 10 online from India, 5 online from Pakistan, 5 online from Bhutan, 3 from the Maldives, 5 from Afghanistan, 5 from Sri Lanka and 8 from Bangladesh were monitored to audit media. The ten dailies include Kantipur, Annapurna Post, Nagarik, Gorkhapatra and Naya Patrika and a Nepali weekly - Nepal Saptahik - and four English language dailies - namely The Himalayan Times, Republica, The Kathmandu Post and The Rising Nepal. The outlets were chosen both due to their large circulation figures and to provide something of a cross-section of Nepali media.

On vigorous monitoring of the media contents published on the target sources following findings were made:

- Nepali media was found to have given less emphasis on the burning and sensitive issue like climate change (26 contents) with increased response on DRR (51 contents) and EU visibility being maximum (121 contents). Among the published media contents, the items describing activities and events are high in number. The number of informational, analytical and knowledge-based items or opinion articles is found very low in number.
- On monitoring issues published on Four online media and a news portal of National News Agency, nepali online were not found to significantly cover news about CCA and DRR while they covered 29 news, six articles and one editorial about EU.
- The prime time news of five television channels (Nepal, Avenues, Kantipur, Himalayan and image) of Nepal was monitored in the study. The channels were found covered 19 contents related to CCA, 27 contents on DRR and 19 news item on EU.
- Among 41 media outlets monitored from other SAARC countries, total 150 media contents were found published and disseminated on CCA while it was 50 on DRR and 42 on EU. Total coverage was 242 with India bearing the highest share and Bhutan and Afghanistan bearing the least share on the media coverage relating to CCA, DRR and EU.
- During the monitoring period, total 77 media contents were found published before the EU workshop on Climate Change Adaptation and Disaster Risk Reduction in the SAARC Region whereas it increased to 253 after the workshop with Nepali news print media contributing the biggest share (31 Pre and 170 post conference media contents).

The 2-month study revealed media coverage on all the themes was significantly increased after the conference. More specifically, the media coverage on EU saw whopping rise because of the prevalence of international politics concerning Britain’s exit from the European Union during the monitoring period. Among the media houses of SAARC countries, Nepal followed by India contributed more number of media contents in comparison to others. While zooming into media coverage items, contents published as news were found predominant over articles and editorials.
Informed parliament for evidence-based decision-making

Parliament is a place where laws are drafted, people's needs and priorities are set and country's national interests are debated. Policy debate and review is one of the spectacular tasks of the parliament. The legislative strength is assessed based on its law-making process and oversight role. It has the power to revert any proposal tabled by the executives and also oversee functions of the government.

On July 9, the Legislature-Parliament approved the Appropriation Bill-2016-17 timely after the concerned Ministers and Prime Minister responded to queries raised by lawmakers on different Ministry headings. The sovereign parliament, however, enacted the budget without making any changes to the proposed figures. Though the timely approval of budget is expected to help expedite development spending, the executive budget proposal was endorsed in the exact form that it had been presented before the parliament.

With this the question rises – where is the parliamentary supremacy when an elected body of people’s representatives cannot alter the figure of the executive’s budget and enacts the bill after cosmetic deliberations on the policy and programmes. Furthermore, one can see low level of data usage in parliamentary debates. Debates need to be based not solely on party positions, but based on facts relevant to the issue. There is a meager proof of lawmakers using data from parliament secretariat for discussions at the floor.

Effect of insufficient research and informed debates mean that bills passed by the parliament are often tabled for revision. Poor policymaking is the direct consequence of lack of data and homework on public issues. In addition, those MPs without access to adequate data appear weak in their performance. It was clearly evident in recent bid to amend the Banks and Financial Institutions Act (Bafia) where the conflict of interests of lawmakers showed poor decision-making process. Now, the amendment process remains stalled for lack of data-based debate and decision-making in formulating and amending laws.

However, there is no facility dedicated to data and research needs of the parliamentarians. The secretariat does not have research capacity to fulfill individual data requests from lawmakers. There is no dedicated “resource centre or data bank” that the parliamentarians can access and utilize. Individual lawmakers are supposed to have their own office and the government provides stipend to each MP to hire a personal assistant who can function as a research assistant. However, usual practice is to give the job to a family member or relative. The political parties, too, do not have any research wing or “think tank” to produce data and analysis necessary for policy making. Meanwhile, the Parliament Secretariat can request for official records from government ministries only that is pertinent to the investigations of the parliamentary committees. However, the Secretariat can form investigations team in some cases.

For example, when the tunnel collapsed at the Chameleya Hydro Plant, the Public Accounts Committee formed a team comprising an engineer from National Vigilance Centre and a Chartered Accountant from the Office of the Auditor General. The in-depth study of the incident was looked into by a subcommittee which has submitted its report to the government for necessary implementation, according to the PAC officials. Likewise, the public has no access to the parliament or the committee work schedule or its proceedings. There is no mechanism for the public to find out about the parliament work schedule, including the important committee deliberations and the content of committee meetings. The work schedule is posted at the “notice boards” inside the Secretariat building. Furthermore, even MPs have difficulty getting draft bill even after it is tabled at the parliament. Besides power to change the substance of the Bills, the parliament should possess capacity to analyze the proposal itself or have access to independent research capacity for analysis of any bills presented in the House. The legislature comprising lawmakers from diversified political, social, economic, cultural and technical backgrounds with different spectrum of capacity, knowledge and skills may not be able to make quality debate and deliver better decisions on technical issues such as budget.

In order for the legislature to provide adequate review of the executive’s budget proposal before its approval and to offer effective oversight, there should be a specialized budget research office attached to the legislature with sufficient staffing, resources and analytical capacity to perform these tasks.

The units should be devised with clear terms of reference to undertake periodic sector-wide empirical research and study so that it could provide with evidence-based inputs to relevant parliamentary bodies and legislators while determining agendas and making decisions.

As a result, the practice would increase internal capacity of the legislature to stimulate fact-based debate and decisions, which have the potential to change the landscape of the life of the country and the people as well. For this the Parliament Secretariat should invest in a research wing to provide necessary data, and analysis to the Members of Parliament. The Secretariat should hire experts – data analysts, chartered accountants and economists – to help parliamentary committees and MPs with necessary research assistance. The Secretariat should also make the work schedule and proceedings of the parliament open to the public. Government data suppliers, such as the Central Bureau of Statistics and National Planning Commission should make the data accessible in an easy-to-understand and easy-to-interpret format. The Ministry of Finance should present the budget data in an accessible format by making use of charts, maps, and Infographics.

Data must be provided in vernacular language and not just in English. Media houses can train journalists on parliamentary reporting, since most MPs depend on or use newspaper for data on public affairs. The parochial and stereotypical outlook to the parliament should be subverted in order to transform the parliament into a pro-people platform for practicing sovereignty in the changed context. An open and informed parliament can better act to address citizens' genuine concerns and aspirations and consolidate participatory democracy in the country. Hence, the parliament is in urgent need of reforms to deliver effectively to serve in the broader interest of the country and people.

(Source: The National News Agency –RSS)
Correcton of Communication policy Suggested

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The Freedom Forum has come up with the stand that the National Mass Communications Policy the government approved in the third week of July is faulty, incomplete, and guided by authoritarian principles.

The government did not allow any public discussion on the Policy before approval. Despite having representation from different sectors (21 members) in the high level committee to draft the policy, the Policy failed to duly address the new issues as of internet-based media. The ‘registration’ of the internet-based media discourages freedom of expression on the internet. The internet-based media has been treated differently from the print media which is wrong.

The term as ‘as per law’ is quite general and leaves a huge space for political maneuvering while formulating law on freedom of expression in the provincial levels. Although cinema is one of the vibrant mass communication medium, the policy has not spoken anything against the existing practice of pre-censorship and categorization of film. Rather, it has regarded the film only as an industry in need of promotion. The policy therefore is against fundamental principles of freedom of expression. Also, it has not spoken anything about the foreign films in Nepal despite having huge market of films produced abroad. As the freedom of expression in a frontier less issue, the Mass Communications Policy must have spoken on it, but it is mute on it.

Similarly, although the Policy has talked about the reform of Press Council Nepal, a media content regulatory body, its structure is dominated by journalists; there is no position for citizens to oversee media. It means the State-run body dominated by media persons can misuse the Council, ignoring citizens’ rights to information, and freedom of expression.

Running media by the State (Policy seeks the promotion of the State-run Gorkhapatra daily) is also against international principles of press freedom. Talking of the present context, the number of media has significantly increased in Nepal posing the sustainability risk. At a time the voice of media merger has been heard, the Policy has not spoken anything on it.

The government approved the policy without publicizing it

On August 3, Freedom Forum had held a meeting among the stakeholders on the recent Mass Communications Policy bringing together the chairman of the high level committee which recommended the policy, its members, rights defenders, advocates, film producers, Online Media Association, INGO, academicians, researchers, and journalists.

All the participants were univocal that the Policy was in need of correction. The high level committee members revealed that the Policy was a kind of compromise document, so it was not complete one. The committee members also revealed that it was quite difficult to come to common point among the members as in the distribution of Radio frequency.

The ‘registration’ of the internet-based media discourages freedom of expression on the internet. The internet-based media has been treated differently from the print media which is wrong.

State-run body dominated by media persons can misuse the Council, ignoring citizens’ rights to information, and freedom of expression.

According to him, educating rural people about RTI, empowering them with information and engaging on RTI campaign could be result-oriented activities for good governance.

The speakers were univocal that supremacy of people is maintained when people’s rights are respected. For this, openness is the urgent need among the public bodies. RTI boosts the culture of openness which incorporates the people’s aspiration and respects their rights. A decade of RTI practice in Nepal has at least paved a way for open society, the integral part of democratic governance, they underlined.

The program was attended by 42 persons including Information Officers from the Ministries, Director General of Department of Information, Chief Commissioner of the National Information Commission, Member of the National Human Rights Council, RTI activists and campaigners, RTI experts, journalism students, among others.

Taking into account the need of open and transparent government, General Assembly of UNESCO held in Paris in 2015 invited United Nations system organizations, and other international and regional organizations, as well as civil society, including non-governmental organizations and individuals, to celebrate the Day as “INTERNATIONAL DAY FOR THE UNIVERSAL ACCESS TO INFORMATION.”

The main objectives to honor the day are –

- To make citizens aware and sensitize about their right to claim for information related to public affairs from government sectors,
- To create an open and transparent government,
- To make governmental sectors accountable towards their citizen,
- To encourage and increase civil participation on public affair and seeking transparency,
- To create enabling environment for both demand and supply sides of information.
Freedom Forum’s Self Disclosure Update
Compliance with RTI Law

<table>
<thead>
<tr>
<th>Type and Nature of Organization</th>
<th>NGO working for Democracy, Right to Information, Freedom of Expression, Fiscal Transparency and Open Data</th>
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<tr>
<td>Legal Status</td>
<td>Registered at District Administration Office Kathmandu. DAO Registration Number: 127/062/63, SWC Affiliation Number: 18518</td>
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<tr>
<td>Location</td>
<td>Adarsa Marga, Prasuti Griha Road, Thapathali, Kathmandu</td>
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<tr>
<td>Staffs and Roles</td>
<td></td>
</tr>
<tr>
<td>Taranath Dahal</td>
<td>Executive Chief, coordinates overall organizational and administrative affairs</td>
</tr>
<tr>
<td>Krishna Sapkota</td>
<td>Planning and Policy Advisor who is responsible for project design and planning and provides advisory support on policy affairs.</td>
</tr>
<tr>
<td>Narayan Ghimire</td>
<td>Media Monitoring Officer, who coordinates media focused initiatives</td>
</tr>
<tr>
<td>Aruna Adhikari</td>
<td>Finance and Administration Officer, looks after accounting and administrative affairs and performs responsibilities as the Information Officer.</td>
</tr>
<tr>
<td>Nanu Maiya Khadka</td>
<td>Gender Monitoring Officer, responsible for monitoring media content on gender perspectives</td>
</tr>
<tr>
<td>Kumar Chaulagain</td>
<td>Program Assistant</td>
</tr>
<tr>
<td>Manju Ojha</td>
<td>Media Monitoring Assistant</td>
</tr>
<tr>
<td>Sarita Chaudhary</td>
<td>Office Assistant</td>
</tr>
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</table>

Ongoing Project Information

<table>
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<tr>
<th>Project Name</th>
<th>Supporting Agency</th>
<th>Date of Signing the Contract</th>
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</thead>
<tbody>
<tr>
<td>Open Budget Survey 2017</td>
<td>IBP</td>
<td>7 June 2016</td>
</tr>
</tbody>
</table>

Services Offered/ Activities Carried Out

- Research, capacity development and policy advocacy including media monitoring, trainings on RTI and journalism, meetings, workshops, seminars and other campaigns to promote issues of democracy, RTI, FoE, fiscal transparency, human rights, local governance. It also provides legal aid to journalists, media and information seekers.

Responsible Authority

- Acting Chairperson: Hari Binod Adhikari
- Executive Chief: Taranath Dahal

Decision Making Process

- General Assembly: Making policies, rules and regulations of organization
- Executive committee: Formulation of action plans as per constitution of organization, rules and regulation
- Management team: Running projects and daily operational affairs and reporting timely to the Executive Committee.

Past and Current Activities

Please follow the link: http://freedomforum.org.np/content/category/activities/

Information officer

- Aruna Adhikari

Financial Information

- Freedom Forum received grants amounting Rs. One Million.

Official Website

- www.freedomforum.org.np

Publications of Freedom Forum

- Freedom Forum has over 50 Publications (printed) Please Follow the Link: http://freedomforum.org.np/content/publications/

Annual Report

- http://freedomforum.org.np/content/publications/reports/annual-reports/

Mechanism for Information Dissemination


FF in National/International Forum

- Chairperson Mr Taranath Dahal participated in the Open Budget Survey Resources Training Workshop organized by the International Budget Partnership in Bangkok, Thailand, from August 30 to September 1.

- Executive Chief Mr Taranath Dahal and Planning and Policy Advisor Mr Krishna Sapkota participated in the “The Legal Framework for Civil Society and the Media: Challenges and Opportunities” conference held in in Kathmandu on 28-29 September. The conference was organized by International Center for Not-for-Profit Law (ICNL).

- Freedom Forum Executive Chief Mr Taranath Dahal, Planning and Policy Advisor Mr Krishna Sapkota and Media Monitoring Officer Mr Narayan Ghimire participated in ‘No News is Bad News (Needs Assessment for Media Development in Nepal) Workshop’ organized by Free Press Unlimited, Netherlands in Lalitpur on July 4-6, 2016.

- Freedom Forum’s Gender Monitoring Officer Ms. Nanu Maiya Khadka, attended a 3 day long “Training on Aid Monitoring and Effective Development Cooperation and National Seminar on CSO Accountability’, organized by NGO Federation of Nepal on 28-30 September, 2016 in Dhulikhel, Kavre, Nepal. Ms. Khadka participated as a representative of the organization in the program which was aimed at forming aid monitoring networks across the country.
Media watchdog declares Donald Trump an unprecedented threat to the rights of journalists

In an unprecedented step, the Committee to Protect Journalists today released a statement recognizing that a Donald Trump presidency would represent a threat to press freedom. In response to Trump’s threats and vilification of the media during his campaign, the chairman of CPJ’s board, Sandra Mims Rowe, issued the following statement on behalf of the organization:

Guaranteeing the free flow of information to citizens through a robust, independent press is essential to American democracy. For more than 200 years this founding principle has protected journalists in the United States and inspired those around the world, including brave journalists facing violence, censorship, and government repression. Donald Trump, through his words and actions as a candidate for president of the United States, has consistently betrayed First Amendment values. On October 6, CPJ’s board of directors passed a resolution declaring Trump an unprecedented threat to the rights of journalists and to CPJ’s ability to advocate for press freedom around the world.

Since the beginning of his candidacy, Trump has insulted and vilified the press and has made his opposition to the media a centerpiece of his campaign. Trump has routinely labeled the press as “dishonest” and “scum” and singled out individual news organizations and journalists. He has mocked a disabled New York Times journalist and called an ABC News reporter a “sleaze” in a press conference. He expelled Univision anchor Jorge Ramos from a campaign press conference because he asked an “impertinent” question, and has publicly demeaned other journalists. Trump has refused to condemn attacks on journalists by his supporters. His campaign has also systematically denied press credentials to outlets that have covered him critically, including The Washington Post, BuzzFeed, Politico, The Huffington Post, The Daily Beast, Univision, and The Des Moines Register.

Throughout his campaign, Trump has routinely made vague proposals to limit basic elements of press and internet freedom. At a rally in February, Trump declared that if elected president he would “open up our libel laws so when they write purposely negative and horrible and false articles, we can sue them and win lots of money.” In September, Trump tweeted, “My lawyers want to sue the failing @nytimes so badly for irresponsible intent. I said no (for now), but they are watching. Really disgusting.”

While some have suggested that these statements are rhetorical, we take Trump at his word. His intent and his disregard for the constitutional free press principle are clear. A Trump presidency would represent a threat to press freedom in the United States, but the consequences for the rights of journalists around the world could be far more serious. Any failure of the United States to uphold its commitments to free expression would embolden dictatorships and despots to restrict the media in their own countries. This appears to be of no concern to Trump, who indicated that he has no inclination to challenge governments on press freedom and the treatment of journalists. When MSNBC’s Joe Scarborough asked him in December if his admiration of Russian President Vladimir Putin was at all tempered by the country’s history of critical journalists being murdered, his response was: “He’s running his country, and at least he’s a leader, unlike what we have in this country... Well, I think that our country does plenty of killing, too.” Through his words and actions, Trump has consistently demonstrated a contempt for the role of the press beyond offering publicity to him and advancing his interests. For this reason CPJ is taking the unprecedented step of speaking out now. This is not about picking sides in an election. This is recognizing that a Trump presidency represents a threat to press freedom unknown in modern history.

This statement was originally published on cpj.org on 13 October 2016.

(See: http://www.ifex.org/united_states/2016/10/14/trump_threat/)