

## Gradual Shift of FoE Challenges

### Journalists reporting on corruption prone to more threats

More than 60 journalists from across the country were affected through the incidents of press freedom violation; while freedom of expression (FoE) challenges see gradual shift from the press freedom to right to information this year (2014). Freedom Forum recorded a total of **27** incidents of press freedom violations this year, which is a decline as compared to the previous year. The intimidations came especially from the political party cadres, security bodies, traders, and government employees. The violations recorded are of different types, including attack, threat, death threat, newspaper burning, manhandle, verbal abuse and displacement.

Though the number of incidents indicates slight improvement as compared to the previous year, the challenges to entire FoE are a lot. There were 59 incidents of press freedom violations in 2013.

Into the policy reform, the recent decision of the government which is a remarkable achievement in media sector is that the state-owned media- Nepal Television and Radio Nepal- are being transformed into public service broadcasting (PSB), which indeed is a longtime advocacy of Freedom Forum. FF had also prepared a model law on PSB and made aware the state on PSB's importance.

Similarly, another notable achievement is- the efforts being made to set up an independent national mechanism at the National Human Rights Commission (NHRC) to monitor the FoE issues and rights of the journalists.

Nonpayment, low payment, untimely payment to working journalists is a longtime problem which is also one of the hindrances to professional security of journalists.

#### **Access to information thru RTI difficult**

Despite growing regime of RTI in the country, the cases of people's access to information in different parts of the country are reported very difficult and even the threats are mounting on the information requesters. The citizens requesting information in the public agencies in Nepalgunj, Birgunj and Jhapa cities are threatened and even detained without any reason thereby suppressing their rights to information and FoE. Laxman Prasad Sharaf from Parsa district was detained for a day while seeking information at an agriculture office. Similarly, Maiphujur Kabadiya, a resident of Nepalgunj was threatened of life for requesting information at a local market committee. Similar is the case of Thakur Rasaili from Jhapa district.

## **Internet/social media users upped**

On the other hand, the number of the internet users and media outlets, especially the news portals, has unprecedentedly increased, so that number of people with the access to information is growing. Similarly, with the spread of internet, the users of social media have increased sharply. It has made citizens easier to express and disseminate news and information and create debate on the public issues. Although there is no record of exact number of news portals operated in Nepal, it can be guessed at around 400. The Press Council Nepal however has recorded 121 news portals. Similarly, the internet penetration has reached over 31 percent of the population thereby augmenting people's access to information.

## **Freedom of Expression (FoE)**

The government, related ministry and concerned public bodies, despite saying that they fully respect FoE and press freedom, cases of violation on their parts are common. Recently, a popular comedy and satirical television programme 'Tito Satya' broadcast in the state-owned television was banned which grossly violated the rights of freedom of expression. To this, the producer and comedian Dipak Raj Giri said, "The artists like us are not enjoying the full-fledged democracy but a 'semi-democracy'."

## **Policy front/impunity**

- a) The Bill on Contempt of Court was rolled back to the public from the Legislature-Parliament after the media fraternity and civil society grew concerned that the Bill if passed as it was would jeopardize freedom of expression.
- b) The meeting of the Council of Ministers recently decided to transform the state-owned media- Radio Nepal, and Nepal Television- PSB model.
- c) The efforts are on to set up an independent national mechanism at the National Human Rights Commission (NHRC) to monitor the FoE issues and rights of the journalists.
- d) Though late, the five persons involved in the gruesome killing of journalist Dekendra Thapa have been imprisoned, but for very short time. Four more are still absconding. Process of justice delivery is slow.

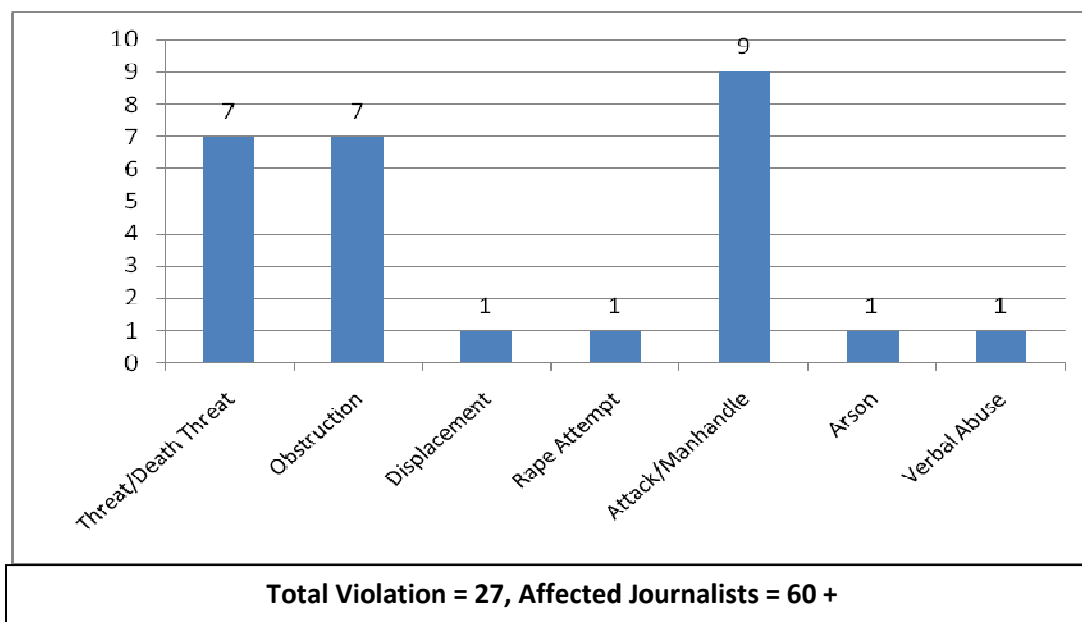
## **Some notable incidents**

- a) In April, a security person made a rape attempt on a woman journalist in an eastern hilly district.
- b) On June 1, police arrested a businessman Mohammad Abdul Rahman from Saptari, a district in the southern plain of Nepal, over his comment on facebook post of a news story. On the previous month, a government officer was also arrested on similar case, reasoning 'cyber crime.'

- c) Ramesh Rawal reporter with the Karobar daily from Kalikot, a remote hilly district in the far-western region, was displaced for writing news on financial irregularities in the districts' development activities. Rawal arrived in the capital city, Kathmandu, on July 21, after mounting pressures from the district administration office and the office of the district development committee. He returned home after three months.
- d) Kali Bahadur Malla, a journalist working in Kalikot was attacked on the second week of October by a local hotelier over his reporting on liquor sale and distribution in the district headquarters.
- e) Ban on an episode of Tito Satya, a popular weekly comedy and satirical television program to be telecast on December 4.
- f) On December 25, engineers at an irrigation project in Biratnagar, a city in the eastern plains of Nepal, brutally attacked Brahmadev Yadav, guest editor with the Birat weekly, over the news he published on the financial irregularities and corruption thriving in the project. Engineers at Sunsari-Morang Irrigation Project Kedar Tiwari, Prem Chandra Jha and Tara Poudel thrashed editor Yadav asking why he published the news on financial irregularities of the project.
- g) Two other journalists -Narayan Adhikari a correspondent for the National News Agency (RSS) from Chitwan and a woman journalist Rejina Rodan from Jhapa- were attacked and left injured. Rodan, is an editor at local Janaandolan weekly.

In addition to these, journalists in different parts are found to have flouted code of conduct which therefore has invited threats.

### Press Freedom Violation during 2014



## Analysis

- a) The main reason behind the decline in press freedom violations this year is a relatively stable and peaceful political situation than the previous year. However, a new trend of journalists at local levels being target- is growing. The case of the displacement of Ramesh Rawal and attacks on Kali Bahadur Malla and Brahma Dev Yadav show that the journalists reporting on corruption are the targets.
- b) With the growing RTI regime across the country, the citizens seeking information are being target of public agencies. It is a suppression of people's RTI and FoE. The challenges on FoE are seeing gradual shift from press freedom violation to RTI.
- c) The decision to adopt PSB model is an appreciative deed, as the PSB model better hears the voices of the people from diverse communities from across the country. PSB's motto is every citizen's easy access to information. However, for this rigorous preparations are essential.
- d) It is good to have more number of media and spread of internet which further ensure people's access to information.
- e) Similarly, protracted litigation process/hearing and delayed justice can not make the victims realize justice. The lengthy process of hearing also lets space for the victims to escape punishment.
- f) Time has come to monitor the safety threat of the information seekers across the country as they are not only advocating for people's access of information but exercising FoE.
- g) The efforts to set up an independent national mechanism at the NHRC to monitor the FoE issues and rights of the journalists are a positive initiative which would help boost FoE. FF has constantly supporting the NHRC for the establishment of the national mechanism which would help ensure free and fair reporting and safe environment for FoE practitioners.

## Projection

Nepal is still in transition. As the political debates are intense on constitution writing but with the parties at loggerheads, the disagreements on constitution contents can ensue in protests and demonstrations of people from different castes and cultures leading to intimidations to the journalists and media houses. Security threats on information seekers are likely to grow in the days ahead as the awareness on RTI is alarmingly upped among the youths.

In conclusion, the media, this year, saw improvement, but only in terms of decline in press freedom violations. However, the challenges are a lot on broader practice of FoE. RTI campaigners' security has been an unavoidable concern, and efforts are needed to create conducive atmosphere for the journalists to be professionally secure. In nutshell, to better the

entire media landscape of the country, prompt implementation of government's positive decisions as on PSB and of national mechanism at NHRC, political commitment, awareness on media literacy, strict adherence to the journalists' code of conduct and vibrant role of civil society are always essential.

**-The End-**