



# Nepal International Media Partnership

Report of the International Mission to Nepal for Promoting Freedom of Expression and Safety of Journalists

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This report is published by International Media Support (IMS) and prepared by Toby Mendel, Executive Director, Centre for Law and Democracy for IMS.

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The Nepal International Media Partnership has campaigned for media freedom, the right to information and freedom of expression in Nepal since 2005 when the country's civil war was at its peak.

Organisations taking part in fact-finding and advocacy mission:

AMARC – World Association of Community Broadcasters

ARTICLE 19

Centre for Law and Democracy

Committee to Protect Journalists

International Federation of Journalists

International Media Support

Open Society Foundations

Reporters Without Borders

United Nations Educational, Scientific and Cultural Organization (UNESCO)

# 1. Introduction

## 1.1 Background on the mission

The Nepal International Media Partnership (NIMP) visited Nepal from 19 to 23 April 2015 to assess the media freedom situation in the country and to provide technical inputs to the then ongoing UNPFN/UNESCO project, Increasing the Safety of Journalists.<sup>1</sup> The Federation of Nepali Journalists (FNJ) hosted the NIMP mission. The NIMP, formerly the International Media Mission to Nepal, is an alliance of 14 international organisations including UN agencies, global media associations, freedom of expression advocates and media development organisations. NIMP began taking shape in 2005 in response to the political changes and controls on the media and freedom of expression in Nepal when the king suspended democracy and began ruling directly, during a time when the Maoist conflict had escalated. The first advocacy and assessment visit by NIMP took place in July 2005 while the April 2015 visit was the eighth joint mission. The aims of the missions have been to expand the space for freedom of expression and to express solidarity with journalists who were standing up to oppose the controls on media freedom. In the process, the missions have been instrumental in initiating activities to protect journalists and in recommending policy reforms, including the adoption of a right to information (RTI) law.

## 1.2 Objectives and focus

The primary objective of the 2015 NIMP Mission was to provide technical inputs to activities underway under UNESCO's Safety of Journalists project, particularly in terms of setting up an independent national mechanism on safety at the National Human Rights Commission (NHRC). Another key objective was to advocate in favour of international best practices on press freedom, freedom of expression (FOE) and the right to information (RTI). Unlike previous missions, where advocacy had been the main objective, the 2015 Mission focused on three areas:

- The architecture of the NHRC mechanism, including a review of the procedures, by-laws, structure and organisation for making it an effective tool for ensuring safety of journalists and free expression advocates.
- Advocating in favour of respect for international standards on free expression and the safety of journalists, including via enabling provisions on free expression in the new constitution.
- Activities relating to the UNESCO safety project where there was need for international technical support.<sup>2</sup>

The mission held meetings with government officials and policy makers, with NHRC officials and consultants, and with other Nepali media stakeholders, including representatives of media owners, political parties and civil society groups. Meetings were also planned with law enforcement and justice officials, but these could not be held owing to last minute changes in their availability. The Mission met with Nepal's Minister of Information and Communication where it advocated, among other things, for

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<sup>1</sup> The UNESCO-led, IMS supported "Increasing the Safety of Journalists project 2012-2015" has worked to support a national mechanism for journalism safety and build the capacity of journalists and media houses to improve safety measures.

<sup>2</sup> Concept note for the NIMP Mission 2015

broad stakeholder participation in policy formulation, and with the Chair of the Constituent Assembly, where the focus was on respect for international standards in the constitutional provisions on free expression, media rights and the right to information.

### 1.3 Putting action first

Prior to 2012, International Partnership missions had typically focused on providing solidarity with Nepali media stakeholders and assisting them in overcoming difficulties and challenges they faced, as well as on advocacy with a view to ensuring that media laws and policies were consistent with relevant international standards. This changed in February 2012, when the mission decided to focus mainly on joint cooperation and strategies, including to tackle the issue of journalist safety and help bring an end to impunity.

Members of the International Partnership provided technical support to the NHRC in developing the safety mechanism during the April 2015 Mission. The planned immediate follow-up to this was disrupted by the earthquake of 25 April, among other things because the NHRC office building was damaged requiring the Commission to make temporary operating arrangements. The Mission closely monitored developments in Nepal after the earthquake and reoriented its work so as to provide support in that context.

In 2012, the International Partnership had also identified as a priority area of action the Constitution and policy and legal reforms, and this continued in 2015. The choice of focus areas was necessitated by certain accomplishments that had been attained through advocacy in the past such as amendments to the Working Journalists Act (1995) and the promulgation of the Right to Information Act (2007). Following on from the April Mission, in July 2015, the Partnership provided a submission on the draft Constitution's provisions on freedom of expression, media freedom and the right to information, which the Nepali partners have used in their advocacy.

### 1.4 Structure of the report

This report is organised into five main sections, along with two Annexes that contain the Joint Statement issued at the end of the Mission and a list of the members of the Mission. Following the Introduction, there is a section on the political and media environment from 2014-2015. The two sections that follow are on the development of the safety mechanism and constitutional, policy and legal framework. Finally, there is a section containing the recommendations of the International Partnership.

## 2. Political and media environment 2014-2015

The political situation in Nepal was fluid in April 2015 when the NIMP was in Kathmandu. While there had been progress in the integration of Maoist combatants, work towards preparing a constitution remained slow, largely owing to the inability of the main political parties to agree on major issues such as federal boundaries and provisions for inclusion (quotas) for members of socially excluded communities (inclusionary provisions).

Nepal's violent conflict (1996-2006) ended in April 2006, which marked the beginning of the peace process. It reached the first milestone with the signing of the Comprehensive Peace Accord (CPA) in November 2006. The next steps involved the promulgation of the Interim Constitution in January 2007, inducting the Communist Party of Nepal (Maoist) into government, and the holding of the Constituent Assembly election in April 2008. The process was monitored and supported by the United Nations Mission to Nepal (UNMIN), whose term ended in January 2011.

However, the peace process progressed slowly owing to frequent changes in government, which also delayed the process of adopting a constitution. The Constituent Assembly elected in 2008 was dissolved in May 2012, when the government declared fresh elections after failing to prepare a constitution. An election government headed by the Chief Justice of the Supreme Court was formed in April 2013, and fresh elections were held in November of the same year.

The Nepali Congress Party secured the largest number of parliamentary seats in the November 2013 election, followed by the Communist Party of Nepal (Unified Marxist-Leninist or UML) and the Unified Communist Party of Nepal (Maoist). The Nepali Congress Party formed a government with the UML as a coalition partner in February 2014, although the government changed after the Constitution was promulgated in September 2015.

Nepal's unstable politics, a protracted transition to democracy with a new constitution and a weak state unable to manage diverse interests resulted in protests by various groups throughout the constitution making process. Many of the protests turned violent and both the protesters and government forces continued to attack the media and journalists, who were often accused either of one-sided coverage or of being "limited" in their coverage of the protests (i.e. according to the wishes of the protesters or government forces).

Despite the new government in February 2014, constitution-making continued to progress slowly until after the 25 April earthquake that killed over 8,000 people and left hundreds of thousands homeless.<sup>3</sup> Constitution-making began gathering momentum in early June, when four of the larger parliamentary parties (including the Madhesi People's Rights Forum - Democratic, a party whose constituency is mainly in the plains region of Nepal) agreed on its basic contours. The new Constitution was approved by the Constituent Assembly with an overwhelming majority vote and promulgated by the President on 20 September 2015.

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<sup>3</sup> See, for example, <http://www.cnn.com/2015/05/10/asia/nepal-earthquake-death-toll/>

The Constitution, however, did not lead to peace. Instead, it triggered protests of political and identity groups which were not satisfied with the boundaries of the proposed federal states and the failure of the Constitution to guarantee “proportionate representation” of previously excluded groups. The protests began in mid-western Nepal and spread across the plains. The opposition to the Constitution intensified in the central and eastern plains after its promulgation resulting in disturbances at major trade and transit points on the Nepal-India border that caused shortages of essential supplies in the country.<sup>4</sup>

The Federation of Nepali Journalists (FNJ) release on 31 December 2015 reported 102 incidences against media and journalists during the protests. This included 75 journalists who had been attacked, threatened or subjected to misbehaviour from both sides during the protests. It also included 27 incidences of attacks, threats to or obstruction of publishing/distribution against media houses.

There were only minor changes to the constitutional provisions on freedom of expression, media rights and the right to information in the new Constitution.<sup>5</sup> The NIMP has noted concerns about the adequacy of constitutional provisions, particularly the use of vague terms and the absence of guarantees that the power to restrict rights would not be used to unduly curtail freedoms in the future.

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<sup>4</sup> This culminated in a tacit blockade that was supported by India. The protests continued through to January 2016 when this report was finalised.

<sup>5</sup> In February 2012, the NIMP reviewed the then current draft and provided an analysis as well as suggested text for possible inclusion in the final constitution. The FNJ used the NIMP analysis while advocating for constitutional provisions, but largely failed to get them included.

## 3. Development of the safety mechanism for journalists

### 3.1 Attacks and Impunity

During Nepal's decade long Maoist insurgency from 1996 to 2006, there were frequent physical attacks on journalists and media houses, with serious consequences for freedom of expression, including a significant level of self-censorship. Unfortunately, the signing of the Comprehensive Peace Accord (CPA) in November 2006 did not bring this dark period of Nepal's history to a close, and a number of attacks, including several killings, have occurred since then, some of which have still not been resolved. While this extreme form of censorship has diminished in recent years, local journalists continue to report on self-censorship, especially around coverage of sensitive topics including politics, the judiciary, corruption and the role of criminal elements.<sup>6</sup>

A number of journalists were killed or disappeared between the conclusion of the CPA in November 2006 and 2010. Cases during this period include the following:

- Prakash Thakuri, a freelance reporter, was abducted from the town of Mahendranagar in July 2007. Three individuals were identified as having been involved, but progress on the case was interrupted on the basis that the peace agreement absolved them from liability. The case was later reinstated after the Supreme Court ruled that the peace agreement only applied to acts committed before it was signed in November 2006.
- Birendra Shah, a journalist working for Nepal FM, *Dristi Weekly* and Avenues TV, was killed in October 2007. On 30 May 2011, two individuals, Mainekar Giri and Ramekbal Sahani, were sentenced to life imprisonment for Sah's murder. There are concerns, however, that other suspects remain at large and continue to enjoy the patronage of the Maoist leadership.
- Jagat Prasad Joshi, a journalist who had been working for the Kailali district edition of the Maoist daily, *Janadisha*, was found dead in a forested region of far western Nepal in late November 2008. There has still been no progress in resolving this case.
- Uma Singh, a radio journalist, was murdered in her home in Janakpur in the southern plains in January 2009. In June 2011, two persons were found guilty of her murder and sentenced to life imprisonment while three other accused were acquitted. The mastermind of the murder, Umesh Yadav, was later arrested in 2013. In a significant development, which took place during the 2015 NIMP mission, a court convicted Yadav of Singh's murder and sentenced him to life imprisonment.
- Arun Singhania, owner and editor of *Janakpur Today*, was killed in broad daylight in March 2010. There has still been no progress in resolving this case.

An important breakthrough was achieved in December 2014 when a local court convicted and sentenced five individuals to terms of imprisonment of between six months and two years for the 2004 abduction

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<sup>6</sup> For example, Nepal last appeared on CPJ's annual Impunity Index in 2012.

and murder of Dakendra Thapa, a journalist for State-run Radio Nepal. A number of other accused in this case are still believed to be on the run.

Although killings have abated, physical attacks on journalists continue. For example, in January 2013, more than 20 journalists fled the western district of Dailekh after receiving death threats from individuals they said were supporters of the then-ruling Maoist party. As a result, at least five media outlets were forced to temporarily halt their operations in that part of the country. In November 2014, two assailants attacked Narayan Adhikari, a correspondent for the State-owned National News Agency and a journalist with the local radio station Hamro FM, with sharp weapons near his home, leaving him seriously injured. In January 2015, there were a series of attacks on journalists and other media workers during general strikes in the country, raising concerns about the ability of the media to report during times of political upheaval.

Important issues such as press freedom, the right to information, poor wage conditions for media, self-censorship and ongoing impunity for crimes against journalists appear to be a low priority for both government and media employers, ultimately impacting on the overall safety environment for Nepal's media industry.

### 3.2 Analysis and needs

The above clearly demonstrates that there is an ongoing need to address the issue of safety of journalists and other media workers in Nepal. This should involve two key objectives, namely the provision of protection for journalists when the need arises and effective tools to combat impunity when attacks do occur or are threatened. A key measure on both fronts is the idea of developing a dedicated safety mechanism, discussed in more detail below. There are, however, some other ways to contribute towards these two goals and, in particular, the need to protect journalists who are at risk.

The State bears primary obligations under international human rights law to ensure the safety of journalists, with a view both to protecting them and to creating an environment in which the free flow of information and ideas in society can flourish. At the same time, other actors, including media owners and media houses, need to do their part to create a safe, secure environment for journalists and other media workers.

The International Partnership notes that both journalists and media employers share concerns about safety but that many media organisations have failed to put in place adequate systems or to make sufficient investments in safety despite clear vulnerabilities on the part of their staff. All too often, general economic hardship and the financial viability of media outlets are used to justify the failures of media employers in this area. Some media heads have declared that they are ready to work together with other stakeholders to tackle safety issues. At the same time, the absence of a broad commitment to safety has prevented concrete steps from being taken and it is now high time for this to be addressed.

The relationship between safety and positive overall working conditions for journalists is well established. Unfortunately, the precarious situation of journalists in Nepal in terms of job conditions and security is equally well documented. Both the Federation of Nepali Journalists (FNJ) and the Minimum Wage Fixation Committee (MWFC) have consistently maintained that implementation of the Working Journalists Act (WJA), some 20 years after it was first promulgated, remains weak throughout the country, including in the Kathmandu Valley and even among the state media.

According to the MWFC report, 26 percent of journalists are working without appointment letters and 15 percent of journalists are not being paid the minimum wage set by the Committee, in accordance with the provisions of the WJA. These are long-standing problems in the country but new issues were also raised

with members of the Mission. 54 percent of journalists do not receive their salaries on time and nearly a third do not benefit from proper holiday and other leave rights. FNJ estimates that nearly one-half of all journalists do not enjoy at least some of the other benefits required by the Act, such as insurance and long service leave. It is essential that the provisions of the WJA are respected. The FNJ has convinced the government to provide funds for insuring journalists, which is a good stopgap measure. However, this is not in line with the independence from government that journalists are expected to have. Furthermore, insurance should be the responsibility of the employer.

### 3.3 The safety mechanism

The idea of establishing a dedicated and formal safety mechanism for journalists has been mooted for some time in Nepal and this general idea is also included in the *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*. In its February 2012 Joint Statement, the International Fact Finding and Advocacy Media Mission to Nepal, the precursor to the NIMP, called on the government to, “set up a high-level, independent task force with a mandate to take action to address the culture of impunity” and noted that, “subject to resources, proactive measures could also be undertaken, including developing a mechanism for protecting journalists at risk”.<sup>7</sup>

Since that time, a lot of work has been done to move this idea forward. After the February 2012 Mission, the FNJ requested the NHRC to form an independent mechanism for the protection of journalists. IMS/NIMP followed up on this by supporting the NHRC to prepare a concept note on the mechanism that the Commission discussed with media stakeholders. Upon finalisation of the concept note, in December 2013, the NHRC took the decision to establish an independent mechanism to protect journalists and free expression advocates<sup>8</sup> and to develop TORs and by-laws to put in place an actual mechanism. A UNESCO safety project (2014-2015) supported various activities towards the establishment of this mechanism, including asking NIMP to provide technical assistance to the NHRC and implementing other activities on safety and reviews of media policy.

An important development was the inclusion of the establishment of a safety mechanism as a priority in the Commission’s 2015-2020 Strategic Plan. The idea is that the mechanism will have a dual mandate both to provide protection to journalists and other media workers who are at risk and to take steps to ensure effective prosecution of those who perpetrate attacks on journalists. At a very concrete level, the Commission will assign a Commissioner to take the lead on this work. It has also undertaken consultations with a range of stakeholders regarding the establishment of the mechanism. FNJ will be an integral part of this mechanism as the representative body of journalists and media workers in Nepal. Finally, concrete proposals, in draft form, have been developed for how the mechanism should be structured and function.

The International Partnership remains committed to helping Nepal in its efforts to establish a successful protection mechanism, noting that the country is in many ways breaking new ground in this area, given how few specialised mechanisms currently exist around the world. As part of that commitment, during the Mission members of the Partnership shared their knowledge and experience from other countries

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<sup>7</sup> The Joint Statement is available at: <http://www.law-democracy.org/live/international-media-mission-to-nepal-issues-joint-statement/>.

<sup>8</sup> This would include anyone who was attacked for having expressed him- or herself.

where safety mechanisms have been put in place. The NIMP, in its Joint Statement, also warmly welcomed the commitment to establish such a mechanism, stating:

The International Partnership welcomes the progress that has been made in terms of establishing a specialised mechanism, overseen by the National Human Rights Commission (NHRC), with a dual mandate to provide protection to those who are under attack for exercising their right to freedom of expression and to address the culture of impunity surrounding such attacks.

The International Partnership notes that the NHRC has a broad and strong general mandate, which makes it an excellent place to locate a safety mechanism. We further note that the Supreme Court of Nepal has helped to strengthen this mandate, among other things by ruling that, when the NHRC proposes to the Attorney General that a matter be prosecuted, the latter does not have the discretion to refuse to initiate the prosecution.

The International Partnership would like to stress a few key lessons from the experience of other countries, with a view to providing guidance to local stakeholders on this issue. First, the Mission notes that experience elsewhere demonstrates clearly that the success of a safety mechanism depends on the active engagement in it of all stakeholders, including official actors – such as the police and other administration of justice players – civil society actors – including media support and freedom of expression organisations and journalists’ associations – and media outlets as private sector actors. Consultation and engagement should take place in relation both to the establishment of the mechanism and associated bodies and to the ongoing operation and monitoring of the activities of the mechanism, once it is established. Strong links, in particular with civil society, provide both a watchdog function regarding a mechanism’s effectiveness and a bridge to the community it is designed to support, namely journalists, media workers and free expression advocates. The Mission was encouraged to see that the NHRC was in dialogue with the FNJ and other stakeholders in relation to the establishment of the mechanism.

Careful thought will need to be given, when designing the mechanism, to the role to be played by different actors and, in particular, to civil society actors. Some potential roles include: providing information, especially on an early warning basis; helping assess risks (i.e. to individuals); sitting on oversight bodies for the mechanism; participating in appeal systems (i.e. for those who are dissatisfied with how the mechanism is working); and participating directly in investigations, noting that this has its pros and cons (such as the need for confidentiality for those involved in investigations whereas journalists may wish to maintain their roles as professional purveyors of public information).

The International Partnership notes, in particular, the important role already being played by FNJ in this area. Since 2000, FNJ has led national media efforts to monitor and report on attacks against the media and ongoing press freedom violations, through its own internal structures and priorities. The FNJ has district chapters in all 75 districts of Nepal, each with its own local executive committee, and most of these chapters report on press freedom violations and other relevant media rights issues to a dedicated focal point located at FNJ’s central office in Kathmandu. The focal point records information on incidents as it is received and disseminates it through email lists and the FNJ website. In addition, the FNJ has in place a system for responding rapidly in emergency cases, which includes initiating relevant actions, such as pressuring law enforcement agencies to respond, advocating action by relevant government bodies and/or sending FNJ teams to local sites to initiate dialogue or resolve matters in serious cases.

A second lesson from other countries is that formal commitments need to be matched by resources. Putting in place even an excellent system on paper which does not have enough resources to execute its work will not succeed. One of the factors contributing to some of the successes of the Colombian system

has been the strong financial commitment made by the Colombian authorities to support the mechanism, although this has come under pressure recently. There is still a need, in the context of the proposals by the NHRC, to clarify where the needed resources will come from.

At the same time, the Colombian mechanism focuses exclusively on protection and has done little to address the issue of impunity around those who perpetrate and organise attacks on journalists. It has also become quite bureaucratic so that it takes far longer now to deliver emergency support than when it was established.

A third lesson is that special measures or systems may be needed where there is evidence that abuses are being perpetrated by state authorities and, in particular, by the police. In general, as noted above, there is a need for close involvement of the police and other administration of justice actors in the mechanism, to ensure both appropriate engagement of these authorities and proper coordination among actors working on law enforcement and/or protection issues. Special measures may, however, be needed where State authorities seem to be involved in abuses. The Mission recommends that the NHRC explore appropriate and effective means to offer protection in cases of alleged involvement by state actors in attacks.

Fourth, experience in other countries demonstrates clearly the importance of high-level political will to the overall success of safety mechanisms, especially on the impunity side of the equation. In most cases, impunity issues arise precisely in cases which are politically sensitive for one reason or another, which is why the normal mechanisms of law and order are failing. One means of ensuring political will is to involve key official stakeholders in the mechanism, along the lines already noted. The NHRC will have to explore carefully other ways to bolster political will so as to ensure the success of the mechanism.

Fifth, it is important for the mechanism to encompass systems to provide both rapid reaction support for urgent cases and longer-term support for ongoing cases. It may be that in the Nepalese context the former will prove to be more important but the mechanism needs to have both systems at its disposal. Different processes for triggering the release of support will be needed for the two different systems (for example, a more measured and tested process would be appropriate for longer-term support) and the type of support may also be different (such as mediation or removal of the person at risk for urgent cases vs. security systems for longer-term cases). The mechanism will also need to have the capacity to secure evidence rapidly in appropriate cases.

Careful thought will need to be given to two other issues in the establishment of the safety mechanism for Nepal. While international experiences can provide useful background and inputs to the choices relating to these issues, ultimately decisions should be based on the needs and contextual reality of Nepal, including the nature of existing stakeholders, their capacity and the roles they are currently playing, as well as the specific safety needs and priorities that are identified.

The first issue is the scope of the mechanism. While it has already essentially been decided that the mechanism will address both protection and impunity, and this fits in well with the mandate of the NHRC, there are still a lot of choices to be made regarding scope. A first is who the mechanism should cover, namely journalists, all media workers, human rights defenders or anyone who is targeted for exercising the right to freedom of expression. The experience of Bangladesh, which is currently experiencing a disastrous wave of attacks on bloggers, suggests that the scope in terms of persons should be broad and cover everyone who is targeted for expressing themselves, at least in the public interest (i.e. so that it would not cover private arguments).

Another scope issue is what sorts of services should be available on both the protection and impunity sides of the equation. While it is tempting to offer a full range of services – and this appears to be what has been done in the initial draft documents prepared by the NHRC – if the mechanism lacks either the

capacity or resources actually to provide those services this will inevitably lead to problems. It is better to make some hard but realistic choices at the front end about what it will be possible to provide, and then work hard to provide those services in a rapid and comprehensive manner.

The second issue is the institutional design of the system. This should, of necessity, flow from in-depth consultations with different stakeholders, as well as the main types of services – including urgent or rapid reaction and longer-term services – that the mechanism is going to offer. Institutional design will need to integrate relevant stakeholders in an effective and yet realistic manner into the mechanism, so as to promote coordination rather than duplication or competition and so as to take advantage of what each stakeholder can offer. Aside from process issues – and, in particular, the need to consult properly with all interested stakeholders – the Mission does not have firm up-front recommendations on this issue, but we will contribute suggestions once clear proposals as to institutional design are put forward.

As an additional observation, the Mission would like to note that, based on its observations and experiences elsewhere, the establishment of an official mechanism should be seen as additional to and not as a replacement for media organisations offering protection and safety tools to their workers. Put differently, Nepali journalists should not only have the official mechanism to rely on for their protection. Existing successful monitoring and safety efforts by FNJ and others should continue and run concurrently alongside any official mechanism. As noted in the previous sub-section of this report, the Mission encourages the Nepali media industry to strengthen its actions in the area of protection of journalists, including freelancers.

Finally, the Mission would like to note that it remains committed to lending its experience and expertise to ensure that the structure and design of the mechanism is as strong as it can be.

# 4 Constitutional, policy and legal framework

## 4.1 Constitutional guarantees

The 2006 Comprehensive Peace Agreement laid out a clear process for the adoption of a new constitution. The Interim Constitution, which came into force in January 2007, provided for the new constitution to be adopted by 28 May 2010. That did not happen and, after several extensions, including some which the Supreme Court declared to be improper, a new Constitution of Nepal finally came into effect in September 2015.

On subsequent missions, the International Mission provided submissions on draft Constitutional provisions, in particular the three sets of provisions relating, respectively, to freedom of expression (Article 17(2)(a) of the new Constitution), the right to communication (Article 19 of the new Constitution) and the right to information (Article 27 of the new Constitution).<sup>9</sup> Thus, on 10 March 2012, the International Mission followed up on its February 2012 visit to Nepal by issuing an *Analysis of Constitutional Proposals on Freedom of Expression, Media Freedom and the Right to Information*.<sup>10</sup> Similarly, on 23 July, following its April 2015 visit, the Mission issued its *Analysis of Nepal's Constitutional Proposals on Freedom of Expression, Media Freedom and the Right to Information*.<sup>11</sup> Given the very limited differences between the draft constitutions analysed in the Mission's 2012 and 2015 statements and the final version of the 2015 Constitution which was adopted, the recommendations contained in both of these analyses remain relevant.

The July 2015 statement was widely covered in the media and also printed in full as an opinion piece in *Kantipur*, Nepal's largest selling newspaper. As follow-up, the Federation of Nepali Journalists – NIMP's partner in Nepal – lobbied and managed to get two MPs to register amendment motions to the provisions. These were, however, subsequently voted down.

Article 17(2)(a) of the Constitution, titled Right to Freedom, guarantees every citizen the right to freedom of opinion and expression. This does not, however, rule out the adoption of laws which impose “reasonable restrictions” on these rights to prevent acts which undermine various interests – including the “nationality, sovereignty, independence and indivisibility of Nepal, or federal units” – or relations between various groups, which constitute “any act of defamation, or contempt of court, or an incitement of offence”, or which are “contrary to decent public behaviour or morality”.

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<sup>9</sup> References herein to the Constitution are based on an unofficial translation prepared by the Nepal Law Society, International IDEA and UNDP. Available at:

[http://www.constitutionnet.org/files/nepal\\_constituton\\_2015\\_24\\_sep\\_2015.pdf](http://www.constitutionnet.org/files/nepal_constituton_2015_24_sep_2015.pdf).

<sup>10</sup> Available in English and Nepali at: <http://www.law-democracy.org/live/nepal-mission-comments-on-constitutional-proposals/>.

<sup>11</sup> Available at: <http://www.law-democracy.org/live/analysis-of-nepals-constitutional-proposals-on-freedom-of-expression-media-freedom-and-the-right-to-information/>.

Article 19 provides for various guarantees for the right to communication, including the mass media, including prohibitions on prior censorship (subject to restrictions which are analogous to those for freedom of expression generally) and on the closure, seizure, cancellation of registration or obstruction of media outlets or other communications tools. Finally, Article 27 guarantees the right of citizens to access information of concern to themselves or to the public. This does not, however, require the provision of “information about which confidentiality is to be maintained according to law”.

These guarantees find their parallel in international law in Article 19 of the *International Covenant on Civil and Political Rights* (ICCPR),<sup>12</sup> a formally binding legal treaty which Nepal ratified in May 1991. Article 19 guarantees the rights to freedom of expression and opinion in the following terms:

1. Everyone shall have the right to freedom of opinion.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others;
  - (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 19 has been interpreted to include the right to information, as well as protection for media freedom.<sup>13</sup>

The guarantees in the 2015 Constitution are very similar to those found, respectively, at Articles 2(2)(a), 4 and 12 of the draft Constitution which was under consideration in February 2012 and Articles 12(3)(a), 15 and 27 of the 2007 Interim Constitution and these, in turn, are similar to those found at Articles 12(2)(a), 13 and 16 of the 1990 Constitution. A key difference between the 1990 guarantees and the Constitution is the inclusion of additional grounds for restrictions on freedom of expression and imposing censorship in the latter. Thus, ‘nationality’, ‘independence’, and relations among ‘federal units’ have been added as grounds for general restrictions on freedom of expression, while these and several other grounds – including treason and disseminating false material – have been added to the list of justifications for prior censorship of the media.

The guarantee of freedom of expression and opinion in the Constitution is more limited than under international law in several ways. These include the facts that the former applies only to citizens, does not provide absolute protection for opinions, and does not elaborate on key characteristics of the right (while Article 19 of the ICCPR provides that the right includes freedom to seek, receive and impart information and ideas, of all kinds, regardless of frontiers and through any media).

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<sup>12</sup>UN General Assembly Resolution 2200A (XXI), adopted 16 December 1966, in force 23 March 1976.

<sup>13</sup> See, for example, UN Human Rights Committee, General comment No. 34, 12 September 2011, CCPR/C/GC/34.

An even more important difference between the two guarantees is the scope of permissible restrictions on the right. The grounds for restrictions under international law are very limited, whereas they are relatively broad in the new Constitution. The idea of national security is replaced by the much wider notions of “nationality, sovereignty, independence and indivisibility”. The reference to the ‘rights of others’ in Article 19 of the ICCPR includes protection against incitement to hatred, discrimination and violence on the basis of nationality, race or religion, but this does not go so far as to protect “harmonious relations” between different groups, a much wider concept which is included in the Constitution. Article 19 does not allow for restrictions to protect relations between different parts of the state (unless these are necessary to protect public order), while the Constitution protects relations among “federal units”. Article 19 does protect public morals, but not also “decent public behaviour”, once again a much wider concept. It is also problematical that the Constitution refers to categories of statements – namely defamation, contempt of court and incitement to crime – instead of protected interests – namely reputation, the administration of justice and public order.

There are also important differences between the standard of harm required to justify restrictions under international law and under the Constitution. The former requires restrictions to be necessary, while the latter uses more permissive terms, such as “may undermine” or “may jeopardize”.

It is welcome that the Constitution prohibits prior censorship, but the scope of permissible limitations on this prohibition is even broader than for freedom of expression generally. In contrast, while international law does not entirely rule out prior censorship, it is clear that it might be justifiable only in the very most limited circumstances and probably never in relation to the media. In other words, international law scrutinises prior censorship far more strictly than other restrictions on freedom of expression, given how intrusive this particular type of restriction is, while the Constitution grants more latitude to the State in this area.

Finally, while the protection for the right to information is welcome, it suffers from being too narrow in scope, applying only to citizens, as opposed to everyone, and only to information on matters of concern to the individual or the public, as opposed to all information. The permissible scope of restrictions on the right to information is far broader even than what the Constitution allows in relation to freedom of expression or prior censorship, let alone what is permitted under international law. Indeed, Article 27 would appear to permit any restriction on the right to information that is provided for by law. Under international law, the same test of necessity to protect a limited list of interests applies to restrictions on the right to information.

All of these points, along with a number of others, were raised in the Mission’s July 2015 *Analysis of Nepal’s Constitutional Proposals on Freedom of Expression, Media Freedom and the Right to Information*. We understand that now that the Constitution has been formally adopted, it will be difficult to amend it. However, we believe that this should be a longer-term goal for policy-makers in Nepal. In the meantime, we call on those tasked with interpreting the constitutional provisions to do so, as far as is reasonable, in a manner which renders them consistent with international standards.

## 4.2 Development of the media policy

A comprehensive, progressive and non-discriminatory media policy, based on broad consultation with interested stakeholders, is needed to promote the development of a free, independent and diverse media in Nepal. Such a policy can, within the parameters set by the Constitution, provide a broad framework for the regulation and development of the media, to which individual pieces of legislation, more detailed policies and other developmental efforts can all contribute. Participatory, inclusive policy development in

relation to the media is particularly important in Nepal, which is a country in transition to democracy and where peace building remains an ongoing process. Ensuring broad participation in policy development helps to ensure that the policy is of high quality and relevant, and gives it legitimacy through endorsement by key stakeholders.

At the time of the previous Mission, in April 2012, the Ministry of Information and Communication (MoIC), as part of its bilateral cooperation with the Japan International Cooperation Agency (JICA), had placed a *Media Policy, 2012* on its website for “discussions”. MoIC had invited stakeholders to comment on the draft policy at three meetings, but at that time, key players, including the FNJ, had not been sufficiently involved in the preparation of the document although they were more involved later on.

Furthermore, there were problems with the content of the 2012 draft policy, including the timing and its content. In the absence of a new Constitution, a proper legal backdrop for the policy was missing, given that all media policies and laws are subject to the Constitution. Although the content of the 2012 draft policy was reasonably broad, key issues were not covered, such as the need for an independent regulatory body for broadcasting and protection for freedom on the Internet. The policy failed to include sufficient recognition of the role and rights of the disempowered, including through a clear recognition of, and detailed rules for, community broadcasting. The policy was also insufficiently specific and detailed about the role played by various actors in the system, such as the Ministry of Information and Communications, the Censorship Board and the state-owned media.

In the Joint Statement following the 2012 Mission, the International Partnership called for “the development of a comprehensive, progressive media policy in Nepal, which is non-discriminatory in relation to all media.” During the 2015 Mission, the Partnership was informed that the Ministry of Information and Communications had put in place a process to develop a comprehensive media policy to provide guidance and structure for development efforts in this area. The Partnership welcomes this initiative and offers its assistance to help ensure that the process takes international standards in this area into account as fully as possible. Following its mission, the Partnership committed to preparing a detailed set of comments on the draft Media Policy for the Ministry and we remain ready to do this.

We would also like to make a few points about the development of the policy. As the Partnership has always stressed, the development of a media policy should be the subject of broad consultation with interested stakeholders both to ensure that it takes their concerns appropriately into account and to foster the necessary support and buy-in to ensure the longer-term success of the policy.

We were informed that the draft policy provided to members of the Partnership during the Mission was simply an initial draft and that the government was still working on that draft. We will therefore refrain from providing detailed comments at this time on that draft. However, based on its provisions and relevant international standards, we have a few general points to make about the directions of a media policy as it is developed.

The policy should aim to promote the development of a free, independent and diverse media in Nepal, in line with international standards. A very general point is that, at present, the provisions in the draft policy are in many cases excessively general in nature. While it is not necessary for a policy of this sort to elaborate everything in precise detail, it does need to clarify the main policy directions more clearly than is currently the case. To give just one example, the draft policy calls for encouraging publications in local languages, but gives very little indication of how this might be done. Two areas where the policy is particularly general in nature are in relation to community broadcasting and online media, both important areas for regulatory consideration in Nepal. The draft policy also lacks a sufficient focus on the important issue of training and capacity-building for journalists and other media workers.

One of the key features of a media system that complies with international standards is the principle of independence from government, as well as commercial forces. This requires an independent regulator as well as systems and other structures that are insulated from the possibility of interference. In many transitional democracies, the focus is on securing independence from government, which is important, but it is equally important to secure the independence of the system from commercial forces and especially the media outlets which the system is supposed to regulate. More attention to these issues is warranted in the policy.

Another key feature of a democratic media system is the use of regulatory tools to promote and protect media diversity. There are a number of elements to this, including limits on undue concentration of media ownership, proper recognition of a three-tier system of broadcasting (i.e. of public service, commercial and community broadcasting), including an appropriate allocation of the frequency spectrum to all three tiers, licensing systems that foster diversity, and the imposition of public interest obligations on private broadcasters so as to limit the homogenising influence of commercial forces. Sufficient detail on all of these issues is lacking in the current draft policy.

The draft policy does include a number of provisions on public service broadcasting, but more attention to this issue would be useful. As noted above, the draft policy includes only limited and rather general provisions on community broadcasting. Some areas where this could be improved are in relation to the reservation of frequency spectrum for community broadcasters, the inclusion of a clear definition of what qualifies as a community broadcaster, a commitment to put in place simple, user-friendly systems for licensing these broadcasters, and a more precise set of commitments aimed at securing the financial feasibility of this broadcasting sector.

Developing a clear media policy is a complex task, both technically and politically. As a forward-looking template for regulatory and media development support priorities, a media policy needs to anticipate upcoming technological and business developments and to commit to systems which ensure that the sector grows and develops in a public interest fashion. It also needs to incorporate sometimes politically sensitive policy choices. For example, limits on concentration of media ownership are often unpopular among media owners, but they may be necessary to protect media diversity. The International Partnership remains committed to assisting the government of Nepal, and the MoIC in particular, with the development of a strong, forward-looking media policy which both respects international standards relating to freedom of expression and reflects appropriate priorities for Nepal.

### 4.3 Other issues

During the April 2015 Mission, at a meeting with the Minister of Information and Communication, the issue of transformation of the state media into public service media came up. The Minister raised several issues in this regard, including the challenges in the context of Nepal of ensuring that the oversight body or governing board was independent. He noted, in this regard, the problems of granting parliament the power to nominate members of the governing board given how politicised parliament was. The International Partnership welcomed the Minister's commitment to ensuring that the public media were independent and promised to provide suggestions regarding alternative means of appointing the governing board.

In June 2014, the Government of Nepal tabled a Contempt of Court Bill before the Legislative Parliament which would have severely limited the ability of the media and others to engage in public interest debate about the administration of justice. The International Partnership recognises that there may be legitimate reasons to adopt such legislation, but the Bill that was published went substantially too

far in restricting free speech. At the same time, we welcome the fact that, in response to widespread criticism, the government withdrew the Bill and, for the first time ever, the Legislative Parliament published the Bill in the Official Gazette and officially called for a public consultation. The government should ensure that any contempt of court law that is adopted fully respects constitutional and international standards relating to freedom of expression.

There have been no significant amendments to the regulatory framework for the print media since the 2009 visit of the International Mission, despite a clear need for changes. Some examples of this need are outdated rules in the Press and Publications Act relating to the licensing (registration) of newspapers and the statutory press council established by the Press Council Act, 1992 which lacks the independence required of such bodies. Beyond the formal legal framework, there are also concerns about the lack of independence in the way government-sponsored advertisements are distributed to newspapers, the increasing share of newspapers that are owned by political parties and the increasing politicisation of the manner in which the editors of many national newspapers are selected.

Over the last 20 years or so, a vibrant, three-tier broadcast sector, comprising state, commercial and community broadcasters, has emerged in Nepal. Despite this, Nepal still does not have a proper broadcasting law or any system for independently regulating broadcasters or for recognising the different broadcasting tiers, despite their being present in practice. There is, therefore, an urgent need to adopt a comprehensive broadcasting law which, among other things, establishes an independent body to regulate the broadcasting sector.

Although the Internet in Nepal remains relatively free, there have been periodic government attempts to control it. For example, at points in the past ISPs have been urged by the Nepali Telecommunication Authority (NTA) to install filtering software and to directly ban content, although such efforts have largely been resisted. The country also does not have a policy on how to address the issue of online media outlets.

## 5 Recommendations

The International Partnership is making a number of recommendations directed at the government and other key stakeholders. We recognise that the Partnership collectively has a lot of experience and expertise that could be useful to different stakeholders in implementing these recommendations and we remain committed to providing assistance to this end, as we are able. We have already followed up on the Mission by providing an Analysis of the constitutional proposals.

We are also strongly committed to providing assistance to the National Human Rights Commission (NHRC) as it moves forward to put in place a national safety mechanism. This began as far back as the 2012 Mission, and included important assistance between that Mission and the 2015 Mission through the UNESCO Safety of Journalists project. The Partnership will continue to provide advice and assistance for the development of the mechanism.

### 5.1 Safety and impunity

#### *General Points*

- Effective steps should be taken to resolve all serious cases of attacks on journalists and others exercising their right to freedom of expression, both those which occurred in the past and any cases which may arise in the future, including by bringing those responsible to justice.
- The Working Journalists Act should be fully and unconditionally implemented by all media outlets.
- Media outlets and journalists should abide by the ethical guidelines and professional standards of journalism.
- Media organisations should put in place general measures of protection for all staff, as well as special measures for any staff who may be at risk.

#### *Specific recommendations on the safety mechanism*

- Efforts to put in place a safety mechanism should move forward and conclude, with due dispatch, in the putting in place of the mechanism, based at the NHRC. The mechanism should be tailored to the specific situation and needs of Nepal, while also reflecting international standards in this area, as well as lessons learned from other countries which have put in place safety mechanisms.
- The development, design and establishment of the mechanism should be broadly consultative in nature, with the views and perspectives of all stakeholders taken into account and with careful thought being given to the role to be played by different stakeholders so as to maximise the effectiveness of the mechanism.
- Adequate resources should be allocated to the mechanism to ensure that it can discharge its mandate effectively, including structural support for research and categorisation of needs. At the same time, the mechanism should be complementary to, rather than competitive with or seen as replacing, existing media monitoring and criminal justice systems.
- Within the mechanism, careful thought should be given to addressing possible cases of involvement by state actors in abuses against journalists, and to the special approach that may be required in such cases.
- Effective steps should be taken to ensure that the mechanism receives the high levels of

commitment from official actors, including the police and the Office of the Attorney General, that it needs to be successful.

- Within the mechanism, the need to provide rapid protection and measures against impunity, in particular securing evidence, should be carefully considered.
- The mechanism should be comprehensive in its coverage of journalists, human rights defenders and others who are under attack for exercising their right to freedom of expression, and should encompass a two-track approach of providing protection and addressing the culture of impunity, through ensuring rigorous and thorough investigation of all attacks against journalists.

## 5.2 Constitutional, policy and legal framework

### *Constitution*

- Bringing the constitutional guarantees of freedom of expression, the right to communication and the right to information into line with international standards in this area should remain a longer-term goal.
- In the meantime, those tasked with interpreting the existing constitutional guarantees should do so, as far as is reasonable, in a manner which renders them consistent with international standards.

### *Media policy*

- The process of developing a new, comprehensive media policy should be based on a broad and inclusive consultation involving all interested stakeholders.
- The new policy should cover all key areas and should be sufficiently detailed and precise to provide clear guidance on these areas going forward.
- The new policy should take fully into account the need to protect the media and especially the regulatory system against undue interference from government as well as from commercial forces.
- The new policy should also encompass, as a key direction, the need to promote media diversity including through measures to prevent undue concentration of media ownership, to put in place a three-tier system for broadcasting (comprising public, commercial and community broadcasters) and to impose public interest obligations on all broadcasters.

### *Other issues*

- Steps should be taken to ensure that the public media are insulated from political interference, including in relation to the manner in which the governing board is appointed.
- Any new Contempt of Court Act should fully respect the right to freedom of expression, as guaranteed by the Constitution and international law.
- Measures should be taken to ensure that the systems for the print media respect freedom of expression, including by amending the Press and Publications Act and the Press Council Act, and by putting in place a transparent and fair system for the allocation of public advertising.
- A comprehensive Broadcasting Act should be adopted which provides for the fair and independent regulation of the broadcasting sector.
- A free and open Internet is an integral part of democratic space in Nepal and the government should not seek to filter, censor or otherwise unduly control that space.

## 6 Annexes

### Annex 1: Joint statement of the Nepal International Media Partnership: International Mission to Nepal for Promoting Freedom of Expression and Safety of Journalists

22 April 2015

*The Nepal International Media Partnership (NIMP) visited Nepal from 19 to 23 April 2015 to assess the media freedom situation in the country. The International Partnership was represented on this mission by AMARC, ARTICLE 19, Centre for Law and Democracy (CLD), Committee to Protect Journalists (CPJ), International Federation of Journalists (IFJ), International Media Support (IMS), Open Society Foundations (OSF), Reporters sans Frontières (RSF) and UNESCO.*

This is the eighth International Mission to Nepal over a period of ten years, starting with a mission in July 2005. The strength of the Partnership is founded on our shared long-term objective of promoting freedom of expression in cooperation with local stakeholders, including public sector actors and civil society. The climate for media freedom has changed dramatically over the ten-year lifespan of the Partnership; there have been successes but at the same time important challenges remain. The International Partnership focused on two key areas. The first was the creation of a specialised mechanism to address attacks on journalists and human rights defenders and the culture of impunity, and the second was the ongoing need for legal and policy reform.

*“Following a decade of engagement by the International Partnership, we welcome the steps being taken to foster a safer working environment for journalists, human rights defenders, and others who are under attack for exercising their right to freedom of expression in Nepal,” the Mission said. “At the same time, a great deal of work lies ahead in terms both of developing the mechanism and of creating a supportive legal and policy environment for freedom of expression and, as organisations committed to these goals, we pledge our support to ensure this progress continues.”*

#### I. Protection and Addressing the Culture of Impunity

The International Partnership welcomes the progress that has been made in terms of establishing a specialised mechanism, overseen by the National Human Rights Commission (NHRC), with a dual mandate to provide protection to those who are under attack for exercising their right to freedom of expression and to address the culture of impunity surrounding such attacks. The establishment of such a mechanism was a key recommendation of the 2012 International Mission as well as of its key partner organisation, the Federation of Nepali Journalists (FNJ), and the importance of the mechanism remains as high today as ever. The International Partnership notes the inclusion of the mechanism in the 2015-2020 Strategic Plan of the NHRC, the identification of a lead commissioner for this work, the extensive consultations that have taken place and the fact that concrete proposals for how the mechanism should work are now being developed.

The International Partnership remains strongly committed to the establishment and success of the mechanism, and pledges to provide ongoing support to the process. We note the following points:

- The mechanism should be comprehensive in its coverage of journalists, human rights defenders and others who are under attack for exercising their right to freedom of expression, while the focus should remain on the dual roles of providing protection and addressing the culture of impunity.
- It is important that the various stakeholders involved in developing the mechanism continue to refer to international standards in this area, including the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, and lessons learned from other countries which have put in place analogous mechanisms.

- The strength of the mechanism lies in ensuring close collaboration between the NHRC and the FNJ and other civil society actors, and it is essential that this remains a central consideration in its design.
- The above can only be achieved if there is ongoing and extensive consultation with interested stakeholders in the design and establishment of the mechanism. The mechanism depends on high levels of commitment from official actors, including the police and the Office of the Attorney General.

## II. Law and Policy Reform

The International Partnership notes that progress in the area of law and policy reform since the restoration of democracy in 1990 remains relatively limited in terms of both the adoption and implementation of progressive legal rules. As with the mechanism, the International Partnership remains committed to supporting the development of a legal and policy framework for the media which meets international standards regarding freedom of expression.

### Strengthening Proposed Constitutional Guarantees

The International Partnership prepared a detailed analysis of three of the new constitutional proposals – namely for the freedoms of expression, of the media and of information – following the 2012 Mission (available at: <http://www.freemedia.at/newssview/article/nepal-must-improve-press-freedom-international-groups-say.html>).

The recommendations set out in that analysis remain relevant today, since the proposals have not changed. We note that, while relatively strong, the text of the proposed guarantees is not fully in line with international standards and better international practice. We welcome the fact that all key actors who met with us indicated their support for improving the constitutional proposals on these key freedoms. We call on the political parties and members of the Constituent Assembly to review these draft provisions with a view to strengthening them so as to provide a robust basis for these rights in the new constitution. To support this process, the International Mission, in consultation with its local partners, will prepare specific proposals for strengthening the current proposals.

### Development of a Media Policy in line with International Standards

The International Partnership welcomes efforts on the part of the Ministry of Information and Communications to develop a comprehensive media policy to provide guidance and structure for development efforts in this area. After the 2012 Mission, the Partnership called for “the development of a comprehensive, progressive media policy in Nepal, which is non-discriminatory in relation to all media.” We note that the document needs to be the subject of broad consultation with interested stakeholders leading to further development and improvement. The policy should aim to promote the development of a free, independent and pluralistic media in Nepal, in line with international standards. Key priorities, among others, are to ensure the independence of bodies with regulatory powers over the media, to transform the government-owned media into public service media and to put in place a democratic regulatory system for broadcasting. The International Partnership will, in consultation with its local partners, prepare a detailed set of comments for the Ministry to support its development of the Media Policy.

### Implementation of the Working Journalists Act

Despite the fact that it was adopted more than 20 years ago, implementation of the Working Journalists Act, 1993, remains limited. This not only represents a denial of the rule of law but it has resulted in harmful levels of poverty and insecurity among journalists, undermining both their rights and the free flow of information and ideas in Nepal. We note that, at a meeting one month ago, the Development Committee of the Legislative Parliament instructed the government to take action against anyone who refuses to respect the Working Journalists Act and to report back to the Committee within three months. The International Mission calls on the government and prosecutorial authorities to take effective steps to ensure proper implementation of this Act. We also call upon media owners and editors to fulfil their responsibility to uphold the law. We welcome ongoing dialogue between FNJ and journalists and media owners on the implementation of the Act aimed at ensuring that the core commitments in the Act are respected.

Reforming the Contempt of Court Bill

In June 2014, the Government of Nepal tabled a Contempt of Court Bill before the Legislative Parliament which would have severely limited the ability of the media and others to engage in public interest debate about the administration of justice. The International Partnership welcomes the fact that, for the first time ever, the Legislative Parliament published the Bill in the Official Gazette and officially called for a public consultation. We call on the Constituent Assembly to ensure that the law that is finally adopted fully respects constitutional and international standards relating to freedom of expression.

*About the International Partnership*

The International Partnership travelled to Nepal from 19-23 April 2015 at the request of the Federation of Nepali Journalists and other members of the Nepali media community. The International Partnership met with the Chairperson and other Members of the Constituent Assembly, Ministers, political party leaders, human rights bodies, including the National Human Rights Commission, donors, media owners and media and civil society organisations.

The International Partnership comprises fifteen international organisations, including global media associations, freedom of expression groups, media development organisations and UNESCO. This is the eighth visit of the International Partnership to Nepal, the previous trips being in July 2005, March 2006, September 2006, January 2008, April 2008, February 2009 and February 2012.

The International Partnership thanks the Federation of Nepali Journalists for preparing and hosting the visit, and acknowledges the importance of close cooperation with national stakeholders and ensuring a nationally driven process for promoting freedom of expression and the safety of journalists in Nepal.

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22 April 2015  
Kathmandu, Nepal

## Annex 2: Members of the fact-finding and advocacy mission to Nepal

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*Broadcasters*

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*Open Society Foundations*

Stewart Chisholm

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*Article 19*

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International Media Support (IMS) is a non-profit organisation working to support local media in countries affected by armed conflict, human insecurity and political transition. Across four continents, IMS helps to promote press freedom, strengthen professional journalism and ensure that media can operate in challenging circumstances.

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Cover photo: A man reads a newspaper on the street in Kathmandu, Nepal. Photo: Polfoto