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Nepal: Mission Comments on Constitutional Proposals

The International Media Mission (IMM) to Nepal has prepared detailed comments on the constitutional proposals on freedom of expression, media freedom and the right to information, prepared by the Constituent Assembly. The comments, prepared by Toby Mendel of the Centre for Law and Democracy on behalf of the IMM, highlight the positive nature of the proposals, while also identifying shortcomings, in particular their failure to sufficiently limit the scope of permissible restrictions on these rights. By letter of 26 March 2012, the comments have been sent to a number of key stakeholders in Nepal, including the Prime Minister, the Deputy Prime Minister, leaders of the main political parties, and the Chair and key members of the Constituent Assembly.

The IMM visited Nepal from 23-27 February 2012 to assess the media situation in the country. A statement issued by the IMM at the end of the mission identified four key areas for future engagement, namely strengthening the constitutional proposals, developing an inclusive media policy, limiting the scope of classification and addressing the culture of impunity. The IMM committed to undertake specific actions in each area, and the preparation of these comments represent its action in relation to strengthening the constitutional proposals.

“We were very pleased that during the mission all of the key stakeholders – including the Prime Minister, Members of the Constituent Assembly, and political party leaders – agreed that the current proposals needed to be strengthened,” said Toby Mendel, Executive Director of the Centre for Law and Democracy. *“We call on them to deliver on their promises and to introduce actual reforms before the constitution is finalised.”*

A key problem with the constitutional proposals is that they would permit unduly broad restrictions on freedom of expression and the other rights, including to protect “harmonious relations” between different levels of government and “decent public behaviour”. Other problems are that the proposals envisage prior censorship of the media in some cases, and the limited scope of protection for the right to information.

CLD calls on the Constituent Assembly to enhance the constitutional guarantees for these fundamental rights, by addressing the concerns raised in our comments.

The comments and letter are available at: <http://www.law-democracy.org/?p=1781>

The IMM statement is available at: <http://www.law-democracy.org/?p=1627>

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