

26 March 2012

Right Honourable Prime Minister Dr. Baburam Bhattarai

Honourable Deputy Prime Minister and Minister of Home Affairs Bijaya Kumar Gachhedar,

Honourable leaders of the main political parties Mr Pushpa Kamal Dahal (Prachanda), UCPN (M); Mr. Sushil Koirala, NC; and Mr. Jhalnath Khanal, CPN (UML)

Honourable members of the Constituent Assembly and Legislature Parliament

Greetings from the International Fact-finding and Advocacy Mission to Nepal!

On behalf of the International Mission, I am pleased to submit for your consideration a comprehensive review of the draft constitutional provisions on Freedom of Expression (FOE), the Right to Information (RTI) and Freedom of the Media, prepared by the International Mission to Nepal that met with you in the week of 23 February 2012.

The Mission is pleased to note that many of the draft constitutional proposals provide a strong basis for guaranteeing the aforesaid rights to citizens in the spirit of the international conventions that Nepal is a party to, and we congratulate the Constituent Assembly for this. The fact that there is no disagreement on the aforesaid provisions among the parties also speaks of your personal commitments to these rights, as well as the desire of all political parties in Nepal to guarantee citizens these basic rights, which are cornerstones of a functioning democracy.

In its 1990 Constitution, Nepal set an example in the region by opening up the media environment and guaranteeing the rights to FOE and RTI. As you progress towards preparing a new constitution for Nepal, you now have an opportunity to come up with a document that is among the most progressive in the world in terms of these foundational democratic rights. The International Mission hopes that our analysis will assist you to ensure strong protections for these rights.

Please find attached the review of the draft constitutional provisions on behalf of the International Mission, in line with our promise to you during our meetings in late February. I am attaching both the Nepali translation as well as the original English version of the document, which was prepared by Mr. Toby Mendel, an international expert on constitutional guarantees and legislation on FOE, RTI and Media Rights.

Please do not hesitate to contact me if you need further explanations or support in further elaborating the constitutional guarantees in question.

Thank you for your attention to this important matter.

Yours sincerely,

Jesper Højbjerg
Executive Director
International Media Support

The International Mission to Nepal in 2012 was comprised of representatives of AMARC, ARTICLE 19, Centre for Law and Democracy (CLD), Committee to Protect Journalists (CPJ), International Federation of Journalists (IFJ), International News Safety Institute (INSI), International Media Support (IMS), International Press Institute (IPI), Internews, Open Society Foundations (OSF), Reporters sans Frontières (RSF), South Asia Free Media Association (SAFMA), South Asia Media Solidarity Network (SAMSAN) and UNESCO

Note: This document is addressed to leaders in the Government of Nepal, leaders of the main political parties, and members of the Constituent Assembly met by the International Fact-finding and Advocacy Mission to Nepal (23-27 February 2012). The Mission was in Nepal at the invitation of the Federation of Nepali Journalists (FNJ). This analysis has been sent to the following individuals whom the mission met in Kathmandu:

Dr. Baburam Bhattarai

Prime Minister of Nepal
The Office of the Prime Minister and Council of Ministers
Singhadurbar

Mr. Bijaya Kumar Gachhedar

Deputy Prime Minister and Minister of Home Affairs
Ministry of Home Affairs
Singhadurbar

Mr. Subash Chandra Nemwang

Chair of the Constituent Assembly and Speaker of the Legislature Parliament
Parliament Secretariat
Singhadurbar

Leaders of the main political parties:

Mr. Pushpa Kamal Dahal (Prachanda)

Chairman
United Communist Party of Nepal (Maoist), UCPN (M)
Parisdanda, Kathmandu

Mr. Sushil Koirala

President
Nepali Congress Party (NC)
Sanepa, Lalitpur

Mr. Jhahnath Khanal

Chairman
Communist Party of Nepal (Unified Marxist Leninist), CPN (UML)
Balkhu, Kathmandu

Members of the Constituent Assembly and the Legislature Parliament:

Mr. Agni Kharel, CPN (UML)
Mr. Khimlal Devkota, UCPN (M)
Mr. Laxman Lal Karna, Sadbhavana Party
Ms. Pushpa Bhusal, NC
Mr. Radheshyam Adhikari, NC
Mr. Ramesh Lekhak, NC
Mr. Ram Chandra Jha, CPN (UML)
Ms. Sapana Pradhan-Malla, CPN (UML)