UNESCO

United Nations
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IPDC THE INTERNATIONAL PROGRAMME
FOR THE DEVELOPMENT OF COMMUNICATION

Supporting Safety of Journalists in

NEPAL

*An assessment
based on UNESCO's
Journalists' Safety
Indicators*

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Foreword

Societies rely upon public interest journalism for their supply of current information and knowledge. This is why UNESCO gives special attention to press freedom, which is based on the universal human right to free expression. To be meaningful, however, press freedom requires that the people doing journalistic work should not have to fear being attacked for doing their job.

Threats to the safety of such people amount to silencing by intimidation and force. The results are widespread self-censorship and a public that is deprived of the right to know. The rule of law is weakened when citizens see the lack of protection and an absence of justice for those who use the right to free expression on a public platform.

Safety is a long way from being secured. A total of 178 journalists, most of whom were locally based, were murdered worldwide in 2013 and 2014, according to UNESCO's recent study *World Trends in Freedom of Expression and Media Development*. Less than one in ten of these cases had been judicially resolved more than a year later. Yet no journalist deserves to be killed simply for the exercise of freedom of expression, and no society can afford to live information darkness.

This is why safety for journalism has increasingly become a matter of common concern in the international community, and among state actors, NGOs, and media themselves. These different groups are increasingly co-operating within the framework of the 'United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity'. Each party recognises that the problem is bigger than what any single actor can do, and that despite differences and even tensions, almost everyone can still find a shared interest in securing safety and justice for society's journalists.

To initiate joint and/or complementary strategies for action across the different constituencies, it is necessary to have a knowledge base from which to work. This is where the Journalists' Safety Indicators (JSIs) come in. This unique research tool was developed under the auspices of UNESCO's International Programme for the Development of Communication (IPDC), which is governed by a 39-Member State intergovernmental council.

The JSIs expand on existing references to safety within the IPDC's broader Media Development Indicators. When this research instrument is applied, the findings serve as a baseline against which changes can be measured over time. Application of the JSIs is done methodically and professionally, with attempts to reflect all perspectives and produce as verifiable findings as possible.

Mirroring the stakeholders addressed by the UN Plan of Action, the JSIs examine the roles being played by the UN and other international organisations, the national state and its branches, civil society, and the media itself. Is there at least an overlap concerning statistics about cases gathered by different agencies? Are police doing better in providing protection and in prosecuting attackers? Is government condemning killings and providing funding for dedicated judicial investigations? Do journalism schools teach safety to their students? Are media employers developing and implementing safety policies? These are the kinds of points that are assessed in the JSI's.

The findings are a snapshot at a particular point in time, which reveals where further work is needed. Progress can be comprehensively measured from that point on. After a reasonable period, a follow-up JSI study can show where there has been change. In this way, the JSIs are a challenge for all actors to do better, so as to ensure that there has indeed been change and that it has been positive. In summary, the JSI findings are both a knowledge resource and a milestone.

The Nepal JSI study was carried out by Development Communication Society Nepal, SODEC-Nepal and the contracted researchers, in consultation with UNESCO in February 2015-March 2016. Feedback on the draft findings has been incorporated into the final edition. We encourage widespread uptake of this study, and suggest that it is a point of reference for local activities to mark the anniversary of the International Day to End Impunity for Crimes Against Journalists, every year on 2 November. UNESCO therefore commends this study to stakeholders in Nepal, and pledges its continuing support for assisting the country in freeing its information environment from violence and threats that put a gag on journalism and deprive the population of knowledge.

Working together to stop attacks and to end impunity for the perpetrators, we can make a difference.

Guy Berger

Director for Freedom of Expression and Media Development

Paris, August 2016

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List of Abbreviations and Acronyms

ACORAB Association of Community Radio Broadcasters
AMARC World Association of Community Radio Broadcasters
CA Constituent Assembly
CEDAW Convention on the Elimination of all Forms of Discrimination against Women
CPJ Committee to Protect Journalists
COCAP Collective Campaign for Peace
CSO Civil Society Organisation
EU European Union
FNJ Federation of Nepali Journalists
FoNIJ Federation of National Indigenous Journalists
HURJA Human Rights Journalists' Association
ICC International Criminal Court
ICCPR International Covenant on Civil and Political Rights
IFEX Global Network Defending and Promoting Free Expression (International Freedom of Expression Exchange)
IFJ International Federation of Journalists
INGO International Non-Governmental Organisation
INSEC Informal Sector Service Center
INSI International News Safety Institute
IPDC International Programme for the Development of Communication
IPI International Press Institute
ISP Internet Service Provider
IT Information Technology
JSI Journalists' Safety Indicators
MAG Media Advocacy Group
MDI Media Development Indicators
MoIC Ministry of Information and Communications
MoST Ministry of Science and Technology
MWFC Minimum Wages Fixation Committee
NEFEJ Nepal Forum of Environmental Journalists
NGO Non-Governmental Organisation
NHRC National Human Rights Commission
NIMP Nepal International Media Partnership
NTA Nepal Telecommunications Authority
PCN Press Council Nepal

RITF	Rapid Intervention Task Force
RSF	Reporters without Borders
SODEC-Nepal	Development Communication Society, Nepal
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNPFN	United Nations Peace Fund Nepal
US	United States
WOREC	Women's Rehabilitation Center
WWJ	Working Women Journalists

Executive Summary

This report presents an assessment of the national media safety landscape for journalists in Nepal. The study has employed Journalists' Safety Indicators (JSI) of UNESCO for the assessment.

Though there is a huge growth in terms of quantity in the media sector in Nepal, journalism remains professionally weak and economically insecure, and the journalists are in highly vulnerable condition in terms of physical and psychological safety. Nearly half of the journalists do not have any appointment letter or contract from their employers and the journalism profession in Nepal is characterized by low wages, irregular payments, poor working conditions, and declining credibility among the public. Journalists perceive that they are prone to be victimised by both State and non-State actors, and the prolonged political transition has further complicated their security situation.

There is significant decrease in reported cases of violence/threats against journalists in recent years, and stakeholders widely consider that the security situation of journalists in terms of physical safety has improved. Meanwhile, many cases of threats against journalists go unreported. Though journalists' safety is becoming an agenda of national interest, a common understanding of the stakeholders on the issue, as well as a national strategy to identify targets and role-players responsible for journalist safety issues, are lacking.

The status of women journalists is even more complicated. They are more vulnerable than their male colleagues in terms of professional as well as psychological and physical safety. It is widely acknowledged that women journalists have been facing various problems including exclusion, glass ceiling, gender pay gap, and harassment, and they are more vulnerable than their male counterparts. They are particularly at risk from sexual harassment even within media organisations, and there is a culture of impunity around sexual harassment.

Impunity has been very serious concern of the stakeholders addressing journalists' safety in Nepal. Some media rights activists even fear of systematic impunity. As prompt, independent and efficient investigations of crime against journalists have not been ensured, and prosecutions for violence and intimidation have not been carried out against full chain of actors in violence and threats against journalists, the faith of journalists on State agencies including the criminal and civil justice system is diminishing. The prevailing impunity in Nepal raises serious concern with regard to freedom of expression and press freedom as journalists are practicing self-censorship due to this problem.

There is no specific law that deals exclusively with protecting the physical and psychological safety of journalists in Nepal, but there are general public laws that can be used to protect the journalists. The Working Journalists Act is aimed at addressing professional safety issues such as appointment/contract letter, minimum wages, insurance etc. There is lack of congruence between the State's normative statements and the ground reality with regard to journalists' safety. The criminal and civil justice system has not been effective to deal with threats and acts of violence against journalists. There is no specific State mechanism or unit particularly assigned for updating and publishing the updated data about attacks on journalists and impunity.

The lack of media organisations' proactive role on safety issues is quite visible. Media organisations have not been adopting specific measures to protect the safety of journalists. Journalists' unions and associations, including that of women journalists, are actively working to monitor safety issues, and to advocate to employers and authorities. They are also engaged in providing training but have yet to focus on stress counselling to journalists. Journalists do not seem much aware of protection measures in digital communication, and there is lack of specific policy and institutional mechanisms for digital safety.

Whereas the academia's involvement to promote journalists' safety is yet to be realised, some CSOs in Nepal have been involved in monitoring and sharing information about journalists' safety issues, generally approaching it from a Human Rights perspective. Their effectiveness is mostly limited to monitoring, information and advocacy, and practical support initiatives are mostly non-existent currently.

The United Nations (UN) system within Nepal, especially through United Nations Educational, Scientific and Cultural Organization (UNESCO), has been playing a significant role with regard to journalists' safety. Nepal is among four countries identified for the first-phase roll out of the 'UN Plan of Action on the Safety of Journalists and Issue of Impunity'. However, other UN system organisations within Nepal are yet to give pertinent importance to the issue.

A number of international organisations have been playing important role, directly or indirectly, to monitor and share information about journalists' safety issues, promote co-ordinated approaches to safety issues and build knowledge and capacity of journalists. Meanwhile, systematic, cumulative and sustainable mechanisms to promote journalists' safety in Nepal are yet to be developed.

Introduction

Introduction of the study

The safety of journalists is important for all democratic societies. It is important for the realization of freedom of expression in broader context. The issue of journalists' safety is critical to their being active agents in social and public life for the promotion of freedom of expression. If journalists cannot exercise freedom of expression in safety, any provision that guarantees such freedom is of little value. In fact, ensuring journalists' safety is one of the significant aspects of a vibrant democracy.

Whereas the issue of journalists' safety is significant across the world, it is more in case of Nepal as the political transition is taking a relatively long time and journalists have remained under high level of risks despite the constitutional as well as legal provision regarding the right to freedom of opinion and expression and the freedom of the press. The problem of impunity has further complicated the situation. However, there is lack of reliable data for analysing the national media safety landscape for journalists.

As the UN specialized agency with a mandate to 'promote the free flow of ideas by word and image', UNESCO has been an important player in the promotion of the safety of journalists and the fight against impunity worldwide. Over the years, it has been monitoring the safety of journalists and state of impunity, and has published reports about this on a regular basis. It has put the focus on the issue of journalists' safety through various declarations, resolutions, reports, and activities.

In congruence with UNESCO's role within the UN system for promoting freedom of expression and its corollaries press freedom and the right to information, the organisation leads the *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*[1], which was endorsed by the chief executives of all components of UN bodies in 2012, and welcomed by the UN General Assembly in 2013. The plan is aimed at: 'Working toward the creation of a free and safe environment for journalists and media workers in both conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide.' The proposed actions include strengthening UN mechanisms, cooperating with member states, partnering with organisations and institutions, raising awareness and fostering safety initiatives.

This plan envisions identifying the role of UN agencies, funds and programmes in combating impunity surrounding attacks against journalists and its wider causes, and also promoting the inclusion of freedom of expression and media development goals, in particular the safety of journalists and impunity, within the wider UN development agenda. It incorporates 'the issues

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1   UNESCO (2012).

of the safety of journalists and of the impunity of attacks against them into UN strategies at country level.' It further envisions partnering with UN agencies and other intergovernmental organisations, as well as partnership between the UN and civil society organisations and professional associations including journalist organisations. With its practical, action-oriented approach, the Plan of Action is instrumental for developing holistic and harmonized endeavours on the issue of the safety of journalists and the impunity of perpetrators of crime against them.

As a part of the Plan of Action, a set of Journalists Safety Indicators (JSI) has been developed that serve as an analytical tool covering a range of possible factors that can impact on the safety of journalists within a given State. This instrument is based on the UNESCO's Media Development Indicators (MDI).[2] Whereas MDI is a broad tool for assessing media development and also has some indicators on safety, JSI is further detailing of the safety indicators. The JSI indicators have been designed primarily to help stakeholders identify potentially salient aspects of journalists' safety issues and track any changes in these over time.

Any assessment of journalists' safety in the country requires identifying different aspects of safety issues and analysing the problem from a broader perspective and with multi-stakeholder approach. On the basis of this, it is pertinent to conduct a study on the status of journalists' safety in Nepal employing the JSI as an analytical tool. The present study is aimed at analysing the national media safety landscape for journalists thereby providing an evidence-based baseline about the state of media safety and impunity in Nepal.

Journalists' safety and the issue of impunity are crucial aspects of contemporary transitional Nepal. Any systematic study that analyses the national media safety landscape for journalists in the country is certainly significant. The present study contributes to the assessment of the problem, of the systems in place and of the actions of the various actors and institutions concerned. Whereas the study itself is instrumental with regard to monitoring of the issue, it is also useful for promotion of journalists' safety in Nepal. Moreover, it provides a basis for coordination and policy making with regard to journalists' safety in Nepal. This report examines issues relating to the safety of journalists. Using various methods, including document analysis and interviews with various informants, this research documents the actors and actions in place for the protection of journalists in Nepal, grouped around four key indicator categories, namely: The roles and response of the State and other political actors; the roles and response of civil society and academia; the roles and response of media and intermediaries; and the roles and response of the UN system and other extra-national actors with a presence in Nepal. In an overview of the situation of journalists' safety in Nepal, this report also provides information on the number of threats and attacks on journalists in the course of their work. Appendix one describes the methodology and sources of data in more detail.

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2   UNESCO (2008).

An overview of media environment in Nepal

Nepal's laws from the perspective of journalists' safety

'The legal regime of Nepal practiced over the past 25 years could be termed friendly to press freedom and freedom of expression,'[3] a noted Nepali media scholar observes. At the time of finalizing this report in March 2016, Nepal already has new constitution in place.[4] The constitution guarantees Freedom of opinion and expression (Article 17.2.a), right to communication (Article 19), and right to information (Article 27). It consists of specific provisions with regard to the right to freedom of opinion and expression, and rights regarding publication, broadcasting and press. However, it uses vague terminology for grounds of legal restrictions of these rights, namely 'reasonable restrictions'.

Nepal has various laws pertaining to freedom of expression and press freedom. There is no specific law that deals exclusively with protecting the physical and psychological safety of journalists in Nepal, whereas there is a specific law, the Working Journalists Act, pertaining to their professional safety (see an explanation on this under Category B, indicator 1.1). The Radio Act, Press and Publication Act, Press Council Act, National Broadcasting Act, Working Journalists Act, Right to Information Act, and Electronic Transactions Act are considered instrumental laws regulating media in Nepal. Also, Nepal has certain Acts to regulate communication institutions such as National News Agency Act, Gorkhapatra Corporation Act, and Communication Corporation Act.

There are other laws which also have some provisions relevant to media even though they are not primarily promulgated with special reference to media. The Civil Liberties Act, Data Act, Slander and Libel Act, Espionage Act, Postal Act, Arms and Ammunitions Act, Film (Production, Projection and Distribution) Act, Some Public (Offence and Punishment) Act, Secrecy of Documents Act, Copyright Act etc. are such laws. Even though these laws have to be considered while analysing the legal environment pertaining to media, they do not have any positive contribution in the context of journalists' safety.

Thus, the legal provisions in Nepal are well articulated in terms of State's 'negative obligations' to not interfere with regard to freedom of opinion and expression and press freedom in general and journalists' safety in particular. But, in terms of State's 'positive obligations' to ensure enjoyment of those rights, the domestic laws do not have specific provisions. The Working Journalists' Act does not state positive obligation of State to take adequate measures with

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3   Regmi (2015), p. 7.
4   The new constitution is available online at: http://www.can.gov.np/np/ncd.html.

regard to journalists' safety and issue of impunity, such as taking proactive action to prevent attacks on journalists and devoting sufficient resources to investigate any breach of such rights and prosecute the perpetrators.

Even though Nepal's existing legal framework does not make any specific provision with regard to State's duty to ensure safety of all citizens in general and journalists in particular, such obligation is mandatory for Nepal due to international laws. Clause 9 of the Treaty Act of Nepal states that the international treaties are equally applicable in Nepal just as its domestic laws. Furthermore, when there is a contradiction between the provisions of domestic laws and international treaties, then the international treaties prevail. Thus all the international mechanisms that Nepal has committed itself to through accession/ratification are mandatory for the State.[5] However, Article 1 of the Constitution stipulates the supremacy of the Constitution and it declares that all other laws inconsistent with it are void to the extent of such inconsistency. So the situation is not very clear.[6]

Nepal is a signatory to different international laws that entail a duty to offer sufficient protection to citizens including journalists. As it has been observed,

> There is no specific international legal instrument that deals exclusively with protecting the personal security of journalists. Nonetheless, provisions protecting the right to life, personal liberty and integrity, freedom from torture, freedom of expression, and the right to an effective remedy which are incorporated within international human rights law instruments provide journalists with the necessary guarantees against violations of their rights and risks to their safety. If these provisions are fully respected, they would cover the different types of interference with the role of journalists.[7]

According to international human rights law instruments, the States have positive obligations to take all effective measures for the protection of journalists. For instance, Article 2 of the International Covenant on Civil and Political Rights (ICCPR) requires States to 'adopt such legislative or other measures as may be necessary to give effect to the rights recognized by the Covenant'. Thus, Nepal is not only obliged to refrain from violating human rights but also obliged to ensure enjoyment of those rights. In other words, besides respecting the safety of journalists, Nepal has to ensure this proactively.

Some stakeholders consulted during the present study opined that though there is scope for improvement, Nepal's existing legal provisions can protect the journalists if the provisions are fully respected and implemented. Meanwhile, various provisions in domestic and international law provide journalists with the necessary guarantees against violations of their rights and risks to their safety, they emphasize. For them, it is not the laws, but the implementation of laws, that is problematic for ensuring journalists' safety in Nepal. According to the *Assessment*

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5   Freedom Forum (2007), p. 4. Also see: Human Rights Alliance (2012).
6   National Human Rights Commission (2007), p. 2.
7   Browne and Proert (2012), p. 7.

of Media Development in Nepal based on UNESCO's Media Development Indicators, 'Despite the restrictive provisions that still remain in law, Nepal's media laws are fairly open and free but the operating environment has often been violent and unsafe for journalists.'[8] In other words, there is a lack of congruence between the constitutional and legal provisions and the ground reality with regard to journalists' safety.

Thus, Nepal's laws remain ambivalent when analysed from the perspective of journalists' safety. On the one hand, just as the constitution articulates 'negative obligations' to the State to refrain from violating the rights, Nepali laws are not repressive, and they generally do not pose manifest threat to journalists. On the other hand, the domestic laws do not have 'positive obligations' to the State to protect the journalists and to ensure enjoyment of the rights, and there is chance of misusing legal provisions as they are often ambiguous and vague. The laws have to be improved in order to meet international standard in many respects.

Professional status of journalism in Nepal: A brief overview

According to annual report of Press Council Nepal (PCN; released in 2014),[9] the number of registered newspapers and magazines in Nepal is 3712 (including 613 dailies, 33 bi-weeklies, 2666 weeklies, and 400 fortnightlies). Of them, only 813 were found being published (182 dailies, 5 bi-weeklies, 595 weeklies, and 31 fortnightlies). Many of them are irregular publications. PCN identifies 90 dailies, 1 bi-weekly, 391 weeklies, and 10 fortnightlies as 'regular'. The report enlists 116 online newsportals. The number of audio-visual production houses that produce news or news-oriented programs is also increasing. According to the Ministry of Information and Communications (MoIC), as many as 617 FM radio stations have got license.[10] And, 82 television stations have got licenses.[11] There are 848 cable operators,[12] many of which produce news related programs too. Thus, there has in recent years been a huge growth in terms of quantity in the media sector. According to the report of PCN, whereas the quantitative development of media can be considered positive thing, the situation is not as good when media ownership, operation process, content and work environment are observed.[13]

Nepal's existing media laws distinguish media as government-owned and private-owned, whereas non-governmental media organisations have been identifying themselves as private

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8   UNESCO (2013a), p. 60.
9   Press Council Nepal (2014). Available online at http://www.presscouncilnepal.org/files/Annual%20 Report%202070-71.pdf.
10   Ministry of Information and Communications (2015a).
11   Ministry of Information and Communications (2015b).
12   Ministry of Information and Communications (2015c).
13   Press Council Nepal (2014), p. 4. Available online at http://www.presscouncilnepal.org/files/Annual%20 Report%202070-71.pdf.

(for profit), community or cooperative. The ownership landscape includes big business enterprises, small business firms, NGOs, cooperatives, political leaders, interest groups, and individuals. A growing trend in media ownership in various districts is journalists' joint ventures with political leaders and/or local business community to a publish local newspaper or to operate a local FM radio station. In some cases, a group of local journalists own the media organisation.

During consultation meetings organized for the purpose of present study, stakeholders criticised media organisations for lack of transparency with regard to their ownership and financial status. Ensuring transparency in media investments has been one of the major issues raised by stakeholders. Recently, serious concerns have been raised about the fragility of editorial independence due to media owners' influence over journalistic roles. It is widely said by the stakeholders that the business interest of the owners and promoters have become the most dominant factor in the newsroom and hence in news-coverage by the media. Consequently, journalists are increasingly put under the influence of advertisers including corporate, commercial institutions, and even small business enterprises. Editorial independence has been compromised even by relations with INGOs and NGOs, especially when they also comprise major sources of advertising revenue. In case of many districts, government offices are sole or major advertisers, and hence newsrooms have been compromising editorial independence with them.

Whereas a few media organisations have been quite successful in terms of profitability and sustainability, most of them have been claiming to suffer from financial difficulties. In most cases, such claims are widely viewed just as an excuse by media owners to claim more government subsidies and refrain from liabilities. In fact, there has been much emphasis on more government subsidies and advertising revenues by media owners and their associations. The government subsidies do not seem to benefit the journalists though.

With few exceptions, media houses are known for their apathy to, or even defiance of legal provisions about professional safety of journalists and other media workers. In many cases, they do not even provide appointment letters and basic salaries. There have been cases when journalists were denied identity card, any remuneration, and equipment. Even those media organisations owned by group of journalists have also not shown their interest to implement the provisions of the Working Journalists Act. Contrastingly, whereas they would demand implementation of such provisions by 'national' media to whom they work from the districts, they would argue that the provisions are not feasible for local media organisations that they own.

Media organisations in Nepal, with a few exceptions[14], are criticised for not caring much about training of their employees.[15] According to an International Federation of Journalists (IFJ)

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14 For instance, government-owned *Gorkhapatra*, Radio Nepal, Nepal Televison, and *Rastriya Samachar Samiti* provide short-term training to their journalists occasionally.

15 Humagain, Parajuli, Maharjan, and Panthi (2010), p. 42.

report ,[16] even when journalists have participated in a training or professional development, it mostly came through NGOs. 'Despite a few private media organisations making huge profit, the concept of in-house training is almost non-existent.'[17] Neither the media houses coordinate and collaborate with training institutions and academia. 'Media managers are usually not interested to address the issue of journalists' capacity building.'[18]

Many stakeholders interviewed/consulted during the present study criticised media houses for not caring to provide sufficient safety training and equipment for the journalists. The media houses are also criticised for not providing a framework of standard procedures and safety protocols, and often failing to provide insurance policies for journalists. In general, the families of journalists are not likely to get financial support from media houses in case of an accident or fatality of the journalists.

In such professional environment, it is obvious that journalism cannot be considered safe. According to an earlier study on mass media and democratization in Nepal,[19] financial problems, lack of trained professional human resource, and low economic productivity of the media professions rooted in the poor market situation, job insecurity and weak professionalism, were the problems in development of professional journalism in Nepal. The findings of the study highlighted that journalism as a career, was socially ignored, professionally weak, economically insecure, and politically vulnerable. The situation does not seem to have changed much. A 2013 study[20] concludes that journalism remains professionally weak and economically insecure, and the journalists are in a highly vulnerable condition in terms of physical and psychological safety.

The monthly income of most stringers is often far less than their full-time colleagues, and obviously much less than the official minimum wage. The stringers have to work for many media outlets as no stringer can solely depend upon the pay by a single media house. There is gender pay gap, as an IFJ report has observed.[21] As the report rightly states, 'Employee benefits appear to be a challenging area for Nepalese journalists.' According to the report,

> The benefits more frequently paid to all appear to be annual pay increases, annual bonuses, employee provident funds, travel allowances, life insurance and accident insurance. But even the highest of these – annual pay increases – were only paid to a third of respondents (33 percent), which reflected evening among men and women. The remaining benefits were given in much lower quantities. Other benefits such as

16   International Federation of Journalists (2015), p. 17.
17   Media Foundation Nepal (2012), p. 23.
18   Media Foundation Nepal (2012), p.150.
19   Aditya (1996).
20   Adhikary (2013).
21   International Federation of Journalists (2015), p. 15.

pension/superannuation, housing or rent allowances, health insurance and insurance for covering conflict were given to fewer than 15 percent of all respondents.[22]

The report says that more women than men have been denied benefits.

Poor wages and unfavourable economic conditions are widely seen as the causes for Nepali journalists' involvement in various other activities in addition to their journalistic responsibilities, and it is very common to engage in at least one side job. [23] The following observation made during a previous study is worth mentioning here:

> Often, the journalists were found engaged in several professions simultaneously. They themselves are media owner, entrepreneur, office bearer of NGO(s), contractor, shopkeeper, cadre of political party, and so on simultaneously. Such situation does not allow them to be committed to journalism and ethical norms of the profession. Other stakeholders in the districts perceive such journalists of using journalism to safeguard their vested interests.[24]

There is a safety aspect to the fact that the journalism profession in Nepal is characterized by poor working conditions and practices. 'While the source of violent threats was often extra-state actors, mobs or political opposition groups, these risks were exacerbated and made potentially fatal by poor working conditions and practices.'[25]

According to a 2012 survey report, 'respondents often identified social perception of journalists as politically biased, inadequate security to journalists from the state, political partisanship and institutional bias of media houses, lack of technological resources and training for individual journalists among the most serious professional challenges today.'[26] Low wages and irregular payments have been identified as the causes to underlie and exacerbate many of the threats professional journalists faced.[27]

The status of women journalists is even more complicated. They are double-attacked online or offline as they are targeted for both being journalists and being women.[28] Women journalists have been observed to suffer more than their male counterparts.[29] In fact, women journalists in Nepal are more vulnerable than their male colleagues in terms of professional as well as psychological and physical safety. As different studies conducted across different time period (such as, two studies conducted by Sancharika Samuha, in 2005[30] and 2011[31], and a recent

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22 International Federation of Journalists (2015), p. 15.
23 Neupane and Zing (2014).
24 Adhikary (2013), pp. 23-24.
25 Browne and Proert (2012), p. 54.
26 Media Foundation Nepal (2012), p. 51.
27 Browne and Proert (2012), p. 54.
28 Thapa (2015), p. 9.
29 Nepal Patrakar Mahasangh (2014), pp. 7-8.
30 Sancharika Samuha (2005).
31 Sancharika Samuha (2011).

report of IFJ[32]) consistently show, situation seems more or less the same. Though there is growth in the number of women journalists in Nepal, they have been facing exclusion and marginalization.

A study among women journalists[33] reports that they face various problems during their journalistic work. They feel that there is limited credibility and trust towards them both within and outside the newsroom, and women journalists have limited or less access to information sources than their male counterparts. Similarly, the organisational structure has been entirely male-dominated, and almost none of the media houses has a gender-friendly working environment. The report further finds that there have been many cases in which women journalists have been paid less than their male colleagues.

As a recent report of IFJ[34] rightly observes,

> The top level management of most media organisations is dominated by men. Almost all editors and owners of media houses are men. (…)

> There are very few women at top decision-making roles; women are generally confined to roles within middle and lower management. The environment and policies of media workplaces are not yet conducive for women to advance in their professional career. (p. 4.)

The absence of women at senior management level is likely to be linked to neglect of basic facilities like maternal leave, childcare services, flexible working hours and transport services,' the IFJ report takes note (ibid.). It also observes that policies promoting gender equality have not been adopted by most media organisations, and even if such policies exist, the implementation is often weak. Most organisations do not have policies to combat sexual harassment or proper mechanisms for filing complaints. Where such mechanisms are in place, women find it difficult to report harassment for fear of how such a step will affect their image and career (ibid.). 'With a larger network of men at the higher levels of media organisations, women have to contend with the so-called 'Big Boys Club' which tends to underestimate them and to not recognise or value their work and opinions' (p. 8).

The report further observes, 'media organisations have still not developed policies that enable women staff to grow and develop' (p. 11). In fact, Nepali media organisations have not created 'the necessary congenial working environment that can help women journalists to grow and prosper within the profession' (p. 12). Although one actor, Association of Community Radio Broadcasters Nepal (ACORAB), has a gender policy, its member stations have not effectively implemented it. According to the report, 'even journalists and other media personnel working

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32   International Federation of Journalists (2015).
33   Ghimire (2014).
34   International Federation of Journalists (2015).

at the stations are not familiar with the policy. Most Nepali media houses do not have gender policies of their own' (ibid.).

Despite the mandatory provision of the Labour Act 1992 for maternity leave, the IFJ report observes that less than 40 percent of women respondents were entitled to maternity leave, and there have been cases when a number of women have lost their jobs after using their maternity leave (p. 17). In such situation, where even mandatory legal provisions are not being implemented, it is clear that a gender friendly environment does not prevail in media organisations in Nepal.

Though there is recognition of the fact that the workplace needs to be more conducive to women journalists, media organisations are yet to formulate policy and develop mechanisms to ensure gender sensitivity with regard to journalists' safety.

The report observes a culture of impunity around sexual harassment (pp. 20-21). The sense of insecurity among women in media organisations prevents them from reporting sexual harassment, the report says. There is non-existence of safety policies and practices to address challenges specific to female journalists in media organisations. With a few exceptions, generally media organisations even do not have a mechanism or a policy against sexual harassment in their office. Even when such mechanism exists, they are not truly functional. According to the report,

> Although more women are joining the workforce, working environment within media organisations does not seem congenial enough to enable them to grow and progress easily. Women are not taken as seriously as their male colleagues and they feel their contributions are not as valued. Additionally, they are subjected to discrimination and harassment from within as well as outside their organisations. (p. 27)

Thus, various studies show that women journalists are particularly at risk from sexual harassment and violence, and appropriate measures to ensure their safety are required. According to a recent study,[35] the lack of security in women's employment and poor working conditions have created a sense of fear and instability among women journalists in Nepal. Nevertheless, women are striking out and achieving in areas such as radio. Some media unions have taken affirmative action on women's representation at decision-making level, the same study says. It also observes that there are positive examples of women's networks strengthening the capacity of women in media.

The poor working conditions and practices is not only linked to media organisations and individual journalists, but also to journalists' unions and professional bodies. As key stakeholders, they have significant role to safeguard journalists' professional rights, and to promote professionalism through various ways. Hence, it is relevant herein to assess the journalists' unions/associations in Nepal.

35   UNESCO (2015b).

Section 3 of the Trade Union Act 1992 allows enterprise-level workers to form trade unions to protect and promote professional rights. This law is applicable to media organisations as well. More specifically, section 34(a) of the Working Journalists Act 1993 allows working journalists to form trade unions in their workplaces for protecting and promoting professional rights and interests. However, whereas Federation of Nepali Journalists (FNJ) is registered under the National Directive Act, and at the Social Welfare Council, and Nepal Press Union and Union of Media Employees Nepal are registered under the labour law, most of the journalists' unions/associations in Nepal are registered as NGOs. Functionally, FNJ 'tries to play both the roles of a trade union and of a media development organisation but it has rarely engaged in union-style collective bargaining.'[36]

FNJ has strengths of having strong presence across the country and wide national and international acceptance. According to a report,[37] there are some dissatisfactions for FNJ being highly politicized and in some cases it is failing to take an effective role with regard to journalists' safety. FNJ runs several activities to promote justice and protect colleagues. It provides rapid responses following an attack against journalists by sending a national representative to the scene of an attack to help increase pressure on authorities to investigate, provide assistance to families and colleagues and monitor what is going on. The FNJ has also given legal assistance to help colleagues or families of the journalists.[38]

Whereas FNJ stands as the most representative body of journalists in Nepal, there are also a number of other organisations, which are directly or indirectly focused in terms of political affiliation, gender or ethnicity or regional identity and so on. Nepal Press Union, Press Chautari Nepal, Revolutionary Journalist Association, Revolutionary Journalist Federation, Nepal Forum of Environmental Journalists (NEFEJ), ACORAB, Sancharika Samuha, Working Women Journalists (WWJ), Media Advocacy Group (MAG), Freedom Forum, Federation of National Indigenous Journalists (FONIJ), Madheshi Journalists Association, Jagaran Media Center, Human Rights Journalists' Association (HURJA), and many other organisations are such examples. Besides, there is a growing trend of forming organisations on the basis of different news beats.

Among the different types of organisations, political and identity based organisations have highest visibility, which has negative repercussions as well. As it has been observed,

> Nepal's journalist associations are organised along political party lines, which blurs the independence expected from journalists. Notably, when media content is seen to be biased, there is a higher risk for journalists and media company concerned. The

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36   UNESCO (2013a), p. 76.
37   Bhattarai (2014), p. 14.
38   International News Safety Institute (2014), p. 38.

inability of journalists to be independent has often put them at risk of attacks from partisan interests, including people advocating for identity-related demands.[39]

Since many journalists' unions/associations, and even media organisations, are divided along political ideology and identity-based organisations, the wider public perceive them as partisan and biased. Such an image of media organisations and the media workers has made the journalists more vulnerable to attacks against them.[40]

It is widely perceived that journalists' affiliation to one or other political party has led to partisan and biased reporting and unprofessional journalism practice. The journalists themselves consider that political party-based journalism creates feeling of antagonism in the opposition parties thereby inviting threat and intimidation. A study[41] emphasized that there have been violations of professionalism at times, and there are many instances to suggest that the wider society is not satisfied with the journalistic practice in Nepal. The study highlighted that journalists have failed in doing what they are expected to do to meet professional standards. The study indicated that self-censorship, including other factors, is playinga decisive role for avoidance of watchdog function and refraining from investigative reporting by the journalists.

There is widely shared agreement between journalists and other stakeholders that the journalists in the districts are deprived of exposure to journalism education, training and in-house grooming. The growth of media and journalists in quantity has not been followed by quality. Rather, in some cases, other stakeholders, such as media educators, allege that journalistic standards have been degraded after the arrival of local media on the media landscape.

Borna Bahadur Karki, President of PCN, has observed that the psychology of considering the violation of the code of ethics as prowess ('*purushartha*'), and abiding by it as weakness, has been a problem.[42] Dwindling professional standards, partisanship, and commercialization has resulted in increased distrust for journalists thereby shrinking public support for the journalist community, many stakeholders, including many journalists, opine. In many cases of attacks or threats against journalists, many people are found citing unprofessional conduct of journalists to justify such attacks, rather than condemning such incidents.

Meanwhile, concern over professionalism in general, and the code of journalistic ethics in particular, is growing among the journalists. Many journalists themselves agree that there is an urgent need to improve professional standards in order to increase credibility and win confidence and trust of the wider public. An encouraging, visible trend is that the number of journalists who have university level education on journalism or who have got some training

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39 International Alert, Federation of Nepali Journalists, and Equal Access Nepal (2013), p. 12.
40 Adhikary (2013), p. 16.
41 Adhikary (2014c).
42 President's message in the annual report of Press Council Nepal (2014).

is increasing. Whereas education or training alone cannot guarantee professionalism, it can provide a solid foundation for that.

According to the International Press Institute (IPI) safety 'starts with the individual journalist and how they are trained, how they think, what they do and how they behave whilst doing their jobs.'[43] In Nepal, many stakeholders opine that making journalists professionally strong is the solution to most of the problems they are facing. It is widely emphasized that most of the immediate safety challenges can be handled by a professionally strong journalist.

Many journalists' experience shows that unprofessional practices have been major trigger of threats or attacks on them. For them, professional capacity building of the journalists in the field is the most effective way to increase the safety. 'Journalists' suggestions on improving the overall quality of the profession mainly underscore the need for improved security situation, press-friendly laws, institutional transparency, editorial independence, timely pays or salaries to employees, technological resources, journalism education and training etc.'[44]

Many journalists interviewed or consulted for the present study emphasized the need for strong intervention of journalists' unions/associations and the government to ensure journalists' rights. This is in the context that the media organisations have failed to show their proactive role, or even shown their reluctance, to ensure due professional support to their employees (media workers including the journalists). A strategic document of FNJ thus emphasizes security (both physical and professional), professionalism, protection of freedom and promoting effectiveness.[45] Very recently, FNJ has put more emphasis on the implementation of the provisions of the Working Journalists Act. Even it staged sit in protests in a couple of media houses in this regard.

Ensuring professional standards in general, and journalists' safety in particular, requires appropriate role for different stakeholders. 'Professional support from the media houses can be a key factor in improving security for journalists, in particular the proper and timely issuance of appointment letters, insurance, and regular and appropriate compensation.'[46] Whereas individual journalists and journalists' unions/associations have their own role, professionalism cannot be achieved without media houses' pertinent role.

Within this context, the following sections present assessment of journalists' safety in Nepal with regard to the five categories of JSIs around the key indicators and respective sub-indicators.

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43   International News Safety Institute (2014), p. 23.
44   Media Foundation Nepal (2012), p. 158.
45   Nepal Patrakar Mahasangh (2014).
46   International Alert, Federation of Nepali Journalists, and Equal Access Nepal (2013), p. 7.

Category A

Overview of the situation of journalists' safety in Nepal

Key Indicators

1. SAFETY AND IMPUNITY STATISTICS

1.1 Number and types of threats against the lives of journalists
1.2 Number and types of other threats to journalists
1.3 Number and types of non-fatal actual attacks on journalists
1.4 Number and types of killings of journalists
1.5 Number and types of threats against media institutions
1.6 Number and type of attacks on media institutions
1.7 Disaggregated data on the above indicators relating to gender, fulltime-freelance-citizen status of journalist, media platform (print, radio, TV, online), and other criteria as may be significant (e.g. rural/urban; minority group, etc.)

2. SHARED UNDERSTANDINGS AND ACTIVITIES OF STAKEHOLDERS

2.1 Amongst national stakeholder groups, there is an accurate understanding of the extent and nature of the problems
2.2 A national strategy exists that identifies targets and role-players responsible for these issues
2.3 Good practices are widely shared through online and offline stakeholder group networks
2.4 Information materials are available in the key national languages
2.5 Stakeholders collaborate in practice in regard to key public events
2.6 Safety issues have visibility in relevant days and events

Category A
Overview of the situation of journalists' safety in Nepal

Nepal has witnessed several years of violence against journalists, particularly due to the armed conflict followed by prolonged political transition. Nepal's media community has witnessed states of emergency and repressions too. Over the years, journalists suffered from acts of violence and intimidation (such as murder, abduction, harassment and intimidation). Even in post-2006 period when the civil war ended, there have been many acts of violence against journalists. The media environment is still uncertain amid the prolonged political transition and new frontiers of conflicts within the country. However, generally it is considered that the safety of journalists has much improved. In the World Press Freedom Index 2015, Nepal is ranked 105th – it 'was up 15 places thanks to a drop in violence by the security forces against journalists, especially at demonstrations. This improvement remains to be confirmed in 2015.'[47] Nepal came off the Global Impunity Index of Committee to Protect Journalists (CPJ) in 2014 'due mainly to an ebbing of anti-press violence linked to broader political changes.'[48]

The *Assessment of Media Development in Nepal based on UNESCO's Media Development Indicators* (2013) observes that security of journalists remains a major challenge in Nepal, particularly as a result of weak governments and protracted political transition. While Nepal is having conducive legal provisions for press freedom, it does not necessarily mean journalists are safe in Nepal. Rather, the study observes, the operating environment has often been violent and unsafe for journalists. It also observes that threats and harassment against journalists have in recent years declined but not stopped. Also, while law enforcement has improved, a sense of insecurity still prevails among media largely because of the impunity of members and supporters of different political parties that have attacked journalists and media, the assessment says. The economic insecurity of journalists is also viewed as a factor affecting their ability to perform without fear.

Despite a decline in recorded incidents of press freedom violations and general agreement about an improved situation of journalists' safety, the journalists' perception about their safety shows that vast majority of journalists still feel insecure.Though the security situation seems much improved as compared to the previous armed conflict period, new dimensions

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47 Reporters sans Frontieres (2015).
48 Committee to Protect Journalists (2014), p. 11.

of safety problems have arisen,[49] and many crimes against journalists are being played down. Face-to-face verbal abuses, aggression and intimidation through phone calls have become so common that most of the journalists have started considering such things as part and parcel of their profession. This has promoted underreporting of crimes against journalists. In addition, 'Several press freedom violations go unreported because media workers do not have trust in justice-delivery system.'[50]

Observing that press freedom violation has been a regular feature in Nepal, Regmi (2015) says,

> It takes place as and when the media treks outside the track of what media experts term promotional reporting, reporting progress, reporting for publicity, reporting positive achievements, reporting for image-building and other advertisement-type reporting. Media products that indicate crime, corruption, irregularities, malpractices in institutions, weakness of leaders and opposition views are not tolerated by government and non-state actors particularly interest groups. This trend has been so institutionalized that it has compelled journalism producers to pursue the path of self-censorship besides forcing skilled journalistic hands to quit (sacking in owners' views, resigning in journalists') media houses. A number of efficient editors and producers could be seen operating outside the media which they nursed and nourished for long.[51]

A study[52] on condition of Nepali journalists after the 2008 Constituent Assembly election furthermore observes little improvement in job security before and after the election. Though there seems to be some improvement in the working environment, the study still sees a big safety issue in the Nepali media. The study highlights that journalists working out of Kathmandu are most vulnerable to threats and attacks. However, the study also emphasizes that the capital city is by no means a safe media zone, citing the cases of harassment, arrests, and displacement from media jobs even in Kathmandu: 'Although the situation in the capital city is slightly better than that in the rest of the country and most journalists prefer to work in the capital if they have a choice, journalists are neither safe in their job nor able to report freely even in the capital.'.

While assessing self-protection capacity of journalists, another study[53] observes that journalists' sense of security has not increased even in the changed political situation, and this is due to impunity. Journalists are gradually losing their faith that police administration can provide them security if they face safety problems, and faith on judicial system is also diminishing, and journalists always see their profession as insecure and volatile. According

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49   Neupane and Zing (2014). Also see: Adhikary (2010).
50   Regmi (2015), p. 8
51   Regmi (2015), p. 8.
52   Neupane and Zing (2014).
53   Bhattarai (2014), p. 9.

to the report, journalists perceive that the journalists in the districts are the most insecure as the practitioners there live under the pressure and threats from the state and non-state actors. Due to personal security reasons, journalists have practiced self-censorship and some journalists said that they avoid reporting if they think that they are insecure, the report says.

Referring to journalists in the districts, the report further says that there is continuous pressure and threat from political parties, their youth organisations and other armed outfits, and reporting environment largely remains disparaging for journalists. Mainstream political parties and their sister organisations, local political groups, and armed groups as well as government officials, army officials, and police officials are the prime actors who pose threat to the safety of journalists. In comparison, there currently is less threat from the state mechanisms as compared to that from the political parties and other non-state actors.

In addition, journalists said they receive more threats when they write news and opinions related to corruption and malpractices. The nexus between political parties and criminal groups seems to have posed a serious threat to the physical safety of the journalist in the districts. It is also mentioned that some journalists even have a close nexus with police, criminal groups and political parties which has made their security more vulnerable.

Another study[54] highlights the environment of impunity and atmosphere of insecurity as 'living reality' for journalists in Nepal in general and in the Central Terai and Eastern Hills in particular. There report furthermore indicates that the climate of insecurity is more challenging in Tarai districts, and that the safety issue is more serious for female journalists in Hills as well as in Terai. In certain districts, journalists are vulnerable to physical attacks. Some journalists in Terai even perceive the threat to the extent of risk of being killed. Journalists from Muslim community perceive such threat from cross-border elements rather than national or local, the report mentions.

According to the same study, the state of impunity has enforced self-censorship among the journalists, and virtually all the journalists under that study admitted that they were practicing self-censorship. It highlights that journalists do usually self-censor to avoid any potential danger. The climate of impunity is in effect since the State has failed to punish even identified murderers of journalist. This has resulted in the spread of fear and harassment among the journalists.

According to a 2014 study on self-censorship,[55] impunity has been the main reason leading journalists to resort to self-censorship. According to this study, out of 111 respondents, 63% said they have self-censored their work. While 48% said that impunity for those attacking the media and journalists was the reason they censored their work, 10% said they did the same to ensure professional safety. It shows that self-censorship continues to take place despite

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54   Adhikary (2013).
55   Bhattarai and Mainali (2014).

a noticeable reduction in violence against journalists. It says that most of the journalists acknowledged that they have been practicing self-censorship as a natural practice even though they considered it wrong. The study also highlights that journalists are deprived of working fearlessly and not experiencing safety in both their lives and profession. Consequently, journalists are unable to perform their minimum responsibility in their profession, the study states. The study observes that journalists practice self-censorship mostly in the cases of political leadership and security officials. It is also highlighted that the low confidence in rule of law and law enforcement, and a disbelief in a fair chance to ensure that their assailants will be punished, are the main driving factors of self-censorship.

The prevailing impunity in Nepal poses serious concern with regard to freedom of expression and press freedom. As it has been observed, impunity

> points to a potential failure of judicial system as well as the creation of an environment in which crimes against freedom of expression go unpunished, posing a serious threat to freedom of expression. The practice and expectation of impunity may further encourage violations of numerous human rights besides freedom of expression and press freedom, while also encouraging other forms of criminality. Physically silencing criticism, arbitrary arrests and detention, enforced disappearance, harassment and intimidation have often been aimed at silencing not only journalists, but also intimidating a population towards self-censorship.[56]

As self-censorship is already prevailing, failing to cope with impunity will only fuel it. 'It is evident that the problem of self-censorship in Nepal is real and continues, but it is also not something beyond correction.'[57] Assessing the national media safety landscape for journalists provides an opportunity to identify various factors contributing to impunity, and hence can be instrumental in addressing impunity as well as self-censorship.

Dealing with impunity was one of the major focus issues during a recent visit in 2015 of Nepal International Media Partnership (NIMP; previously known as international media mission to Nepal) – a coalition of various international organisations.[58] In fact, impunity has been very serious concern of the stakeholders addressing journalists' safety in Nepal. What has been observed in the international context is relevant to Nepal as well: 'the prevailing culture of impunity remains the single most important factor which fuels violence on journalists and media professionals.'[59]

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56   UNESCO (2014b), p. 87.
57   Bhattarai and Mainali (2014), p. 70.
58   The visit was from 19 to 23 April 2015. See online CPJ (2015b): https://cpj.org/blog/2015/05/mission-journal-in-nepal-finding-solutions-to-bett.php. For joint statement of the mission, see: https://cpj.org/blog/Nepal-Mission-Statement.pdf.
59   Costa (2015), p. 5.

1. Safety and Impunity Statistics

According to the 2014 annual report of Global Network Defending and Promoting Free Expression (IFEX) (prepared by Freedom Forum),[60] a total of 27 incidents of press freedom violation were recorded in 2014 in which more than 60 journalists from across the country were affected. Of them, 7 cases of threat/death threat, 7 cases of obstruction, 1 case of displacement, 1 case of rape attempt, 9 cases of attack/manhandle, 1 case of arson and 1 case of verbal abuse were recorded. It is mentioned in the report that the intimidations came especially from the political party cadres, security bodies, traders, and government employees.

The 2015 annual report of Freedom Forum[61] presents

> a bleak picture of Nepali media in 2015. Entire Nepali media remained affected during this year where a total of 83 press freedom violations including a killing of young radio journalist Rohan Chaudhari of Jaleshwornath FM, Mahottari district, were recorded. Begun with the tumultuous political situation, and hit hard with 25 April devastating earthquake, the Nepali media/journalists remained at the receiving end of the political agitation especially in the southern plains coupled with rowdy demonstration and the obstruction on southern border.

For the period 2015 May to 2016 April, the Freedom Forum recorded a total of 59 incidents of press freedom violations in which the number of journalists affected in the incidents is over 100 across the country. There were 17 incidents of attack, while 12 threat and death threat combined, eight obstructions, seven vandalism and others.[62]

1.1   Number and types of threats against the lives of journalists.

The IFEX report mentions 7 cases of threat/death threat in 2014.

1.2   Number and types of other threats to journalists[63].

The IFEX report mentions 1 case of displacement in 2014. Ramesh Rawal, reporter with the *Karobar* daily from Kalikot district, was displaced for writing news on financial irregularities in the district's development activities. Rawal arrived in Kathmandu on 21 July after mounting pressure from the District Administration Office and the office of the District Development Committee.The report mentions 1 case of verbal abuse in 2014.

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60   IFEX (2015).
61   Freedom Forum (n.d.), available online: http://freedomforum.org.np/content/publications/reports/media-monitoring-reports/.
62   IFEX (2016).
63   These threats may include surveillance or trailing, harassing phone calls, arbitrary judicial or administrative harassment, aggressive declarations by public officials, or other forms of pressure that can jeopardise the safety of journalists in pursuing their work.

1.3 Number and types of non-fatal actual attacks on journalists[64].

The IFEX report mentions 1 case of rape attempt in 2014. A security person in an Eastern hilly district allegedly attempted to rape a woman journalists in April. It mentions 9 cases of attack/manhandle.

1.4 Number and types of killings of journalists[65].

There was not case of journalist killing in Nepal in the year 2014, whereas a journalist was killed in 2015. Rohan Chaudhari, 19, of Mahottari district was killed in a police firing while he was reporting live for the Jaleshwornath FM from local Mahendra Chowk on 9 September 2015. According to reports, shot on chest by the security command while taming protest, he died on the spot.[66]

As a recent report[67] shows the last condemnation by the UNESCO Director-General about killing of journalist in Nepal was on 4 April 2012.

According to FNJ, as many as 35 journalists have been killed in Nepal since 1996, and whereabouts of four journalists is still unknown.[68] Of these cases, only five have been brought to judicial process (see also: Category B, indicator 3.4 of the present report). CPJ enlists name of 8 killed journalists under 'motive confirmed' and other 9 under 'motive unconfirmed'.[69] That is, CPJ has not been able to confirm if they were killed in direct relation to their work.[70]

1.5 Number and types of threats against media institutions.

Not available.

1.6 Number and type of attacks on media institutions.

According to Media Monitoring Unit of FNJ, during the period January to June 2015, there were three incidents of attack on and threat against media houses, whereas four cases of vehicles vandalized are recorded. And, two cases of newspapers burnt were recorded.

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64 Types of actual attacks may include actual physical or mental harm, kidnapping, invasion of home/office, seized equipment, arbitrary detention, failed assassination attempts, etc.
65 Types of killings may include being killed in cross-fire, assassinated, killed in a bomb explosion, beaten to death, etc.).
66 IFEX (2016), p. 1.
67 UNESCO (2014a).
68 FNJ, available at: http://www.fnjnepal.org/media/?page_id=1192.
69 Committee to Protect Journalists (2015a).
70 Committee to Protect Journalists (2015b).

1.7 Disaggregated data on the above indicators relating to gender, fulltime-freelance-citizen status of journalist, media platform (print, radio, TV, online), and other criteria as may be significant (eg. rural/urban; minority group, etc).

This data is not available.

2. Shared understandings and activities of stakeholders

2.1 Amongst national stakeholder groups, there is an accurate understanding of the extent and nature of the problems.

Journalists' safety seems in the process of mainstreaming in Nepal. There has been increased awareness over the years that ensuring the safety of journalists is vital. Meanwhile, it is also said that

> The issue of media safety is not yet properly placed in the public domain. It crops up as and when a specific violation is reported and gradually evaporates. Government, owners, advertisers have not taken it as their agenda; media workers voice for it but cannot press for it. There is no tendency to look at media safety from the angle of women particularly the discrimination, challenges and inequality they face in work place. Users of media appear rather indifferent. Media scrutiny bodies are mostly engaged in their own routine business.[71]

A study[72] observes that there is lack of clearly delineated operational definitions on journalists' safety, and there is no common or widely shared index for assessing media rights issues. In such background, it is no wonder to observe instances when different organisations argue whether certain incident was actually a violation against journalists' rights or not.

In the case of Nepal, stakeholders often make reference to professional safety, and to physical and psychological safety. As emerged from interviews, discussions and interactions, by professional safety they mean implementation of the provisions of the Working Journalists Act. Particularly, appointment letters/contract with proper terms of employment, guarantee of regular salary that is not less than the minimum wages recommended by the Minimum Wages Fixation Committee (MWFC), insurance, and provision of permanent positions, promotions, and salary increment etc. are considered hallmarks of professional safety by the journalists. Under the concept of psychological safety they include safe and secure work place and working environment, absence of threats and harassments, no confiscation of equipment and premises, and absence of impunity of crimes against journalists. The stakeholders, including

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71 Regmi (2015), p. 9.
72 Adhikary (2014b), p. 25.

journalists, consider killings and physical assaults, destruction of equipment and premises, as more serious security problems that should be included under physical safety.

As observed during the present study, the stakeholders have quite contrasting views on journalists' safety in Nepal. On the one hand, some argue that physical safety is no more a big problem in contemporary Nepal. They argue that professional safety of journalists is the primary issue to be addressed claiming that the physical insecurity is just the after math of unprofessional working environment and unethical practices. It is argued that the possibility of bodily harm, including death, and threats against journalists and media institutions, is very low if journalists would abide by code of ethics.

On the other hand, others argue that physical and psychological safety issues are still dominant though there is no killing of journalists in the recent years. It is also argued that journalists' safety has become more complex due to prolonged political transition and with the divisive polarisation of the society across the identities based on caste, ethnicity, community, religion, geo-political region and so on.

From a UNESCO viewpoint, not even professional lapses justify attacks on journalists' safety. Such lapses are best addressed by independent self-regulation, and can never be used as excuses for threats, intimidation or physical attack.

Such contrasting views among the stakeholders has direct impact on their approaches and strategies thereby decreasing chance of shared activities. Different stakeholder groups come together only when there would be certain incidents of grave violation of rights given to media and journalists (such as killing of a journalist). In general, there is no institutional mechanism for shared activities.

There has been a significant development towards making journalists' safety an agenda of national interest among stakeholder groups. However, there is yet to emerge a common understanding of the stakeholders on the issue and an institutional mechanism for shared activities with regard to journalists' safety.

2.2 A national strategy exists that identifies targets and role-players responsible for these issues.

It is yet to develop a national strategy to identify targets and role-players responsible for journalist safety issues. A national mechanism at National Human Rights Commission (NHRC) is expected to come up with such national strategy (also see: Category B, indicator 3.3 of the present report).

2.3   Good practices are widely shared through online and offline stakeholder group networks.

The stakeholders interviewed/consulted during the study claimed that they have been active in sharing good practices among themselves.

2.4   Information materials are available in the key national languages.

Of national languages, Nepali language has been the medium for disseminating information. However, most of the reports and studies are prepared in English. The materials available in Nepali include training manuals and awareness raising pamphlets.

2.5   Stakeholders collaborate in practice in regard to key public events.

Stakeholders have been collaborating in practice in regard to key public events. The PCN and FNJ have been quite active in such matters.

2.6   Safety issues have visibility in relevant days and events.

A positive aspect with regard to journalists' safety in Nepal is that the stakeholders give safety issues visibility in relevant days and events. Celebrating the World Press Freedom Day on 3 May is an example. From 2015, stakeholders in Nepal have started observing the International Day to End Impunity of Crimes against Journalists, 2 November. Such events get wide coverage in the media.

Category B

The roles and response of the State and political actors

Key Indicators

1. **STATE HAS LAWS WHICH CAN PROTECT JOURNALISTS**

   1.1   The State has laws and policies to protect safety of journalists, including community media and citizen journalists.

   1.2   Attacks on the safety of journalists (including community media and citizen journalists) are recognised by the State as a breach of human rights law and the criminal law, and in the case of armed conflicts, humanitarian law.

   1.3   With relevance to armed conflict situations, the State is a signatory to the Geneva Conventions and additional protocols, and human rights instruments such as the International Covenant on Civil and Political Rights, the UN Convention against Torture, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Rome Statute of the International Criminal Court.

   1.4   With further relevance to armed conflict situations, the State recognises journalists as civilians in accordance with Geneva Convention and additional protocols.

   1.5   The State's laws do not include sweeping or arbitrary provisions on treason, terrorism, state security or insult/ defamation offences etc. that are susceptible to misuse for the purpose of intimidating or prosecuting journalists.

2. **THERE ARE APPROPRIATE NORMATIVE STATEMENTS, POLICIES, AND INSTITUTIONAL FRAMEWORKS THAT SAFEGUARD THE IMPORTANCE OF JOURNALISTS' SAFETY**

   2.1   The State is well informed on the subject through adequate mechanisms (institutions, programmes and budgets) being in place for monitoring and reporting on threats, harassment and violence towards journalists.

   2.2   The State has specific policies to support the protection of journalists and the implementation is assured of sufficient resources and expertise.

   2.3   The State refrains from endorsing or promoting threats to journalists, including through judiciary, police, fiscal, administrative, military and intelligence systems.

   2.4   Guidelines are issued to military and police prohibiting harassment, intimidation or physical attacks on journalists; effective channels of communication exist between journalists' organisations and security forces concerning coverage of street protests, public events, etc.

2.5   Government officials, law-enforcers, military officials, civil servants and representatives from the (independent) judiciary make clear statements recognising the safety of journalists and condemning attacks upon them.

2.6   The State has indicated commitments and support for journalists' safety in international fora.

2.7   The State recognises that women journalists may be particularly at risk from sexual harassment and violence, and adopts appropriate measures to ensure safety on an equal basis between women and men.

2.8   The State enables the work of NGOs on safety issues and cooperates with them in appropriate ways.

3. THE CRIMINAL AND CIVIL JUSTICE SYSTEM DEALS EFFECTIVELY WITH THREATS AND ACTS OF VIOLENCE AGAINST JOURNALISTS

3.1   Protection measures are provided to journalists when required in response to credible threats to their physical safety.

3.2   Where there is violence or threats against a journalist, due account is given by the authorities to any evidence showing linkage to the journalist's professional activities.

3.3   The State has specific institutions/units dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity.

3.4   Investigations of crimes against journalists, including intimidation and threats, are investigated promptly, independently and efficiently.

3.5   Successful prosecutions for violence and intimidation are carried out against the full chain of actors in attacks, including the instigators/masterminds and perpetrators.

3.6   The State establishes specialist units that can deal appropriately with attacks on women, including women journalists.

3.7   The State monitors the performance of specific State institutions and processes set up in relation to safety at national and local levels.

3.8   The State ensures that appropriate training and capacity is provided to police, prosecutors, lawyers and judges.

4. THE STATE TAKES OTHER EFFECTIVE MEASURES IN REGARD TO JOURNALISTS' SAFETY

4.1   The State publishes updated data about attacks on journalists and impunity.

4.2   The State recognises that protections applying to journalists may also be required to protect persons who represent sources of information for journalists and human rights defenders.

Key Indicators *(continued)*

4.3 The State consults with human rights/other relevant organisations on the appropriate policies and frameworks to counter specific threats to women journalists.

4.4 In cases of electronic surveillance, the State respects, and ensures respect for, freedom of expression and privacy, through international standards of transparency, proportionality and legitimate purpose.

4.5 The State reports on attacks to the appropriate UN agencies, including responses to the UNESCO Director-General's requests for information on judicial follow-up to any killing/s of journalists.

4.6 The State has measures to support and compensate families of murdered journalists.

The roles and response of the State and political actors

1. State has laws which can protect journalists

1.1 The State has laws and policies to protect the safety of journalists, including community media and citizen journalists.

Nepal has general public laws that can be used to protect journalists, whereas there is no specific law that deals exclusively with protecting the physical and psychological safety of journalists. Media safety is one of the themes not addressed properly by laws, a prominent media scholar observes.[73]

There is a specific law, the Working Journalists Act, pertaining to their professional safety. However, it is yet to be effectively implemented. As it has been observed,

> Despite the fact that it was adopted more than 20 years ago, implementation of 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.[74]

Working Journalists Act and Working Journalists Regulation have provisions with regard to professional safety of journalist and other media workers such as outlining some measures for professional safety of journalists including appointment/contract letter, minimum wages, insurance etc. This law does not address the physical and psychological safety of journalists.[75] It does not emphasize a positive obligation of State to take adequate measures with regard to journalists' safety and the issue of impunity such as taking proactive action to prevent attacks on journalists and to devote sufficient resources to investigate any breach of such rights and prosecute the perpetrators.

Meanwhile, NHRC has the legal authority to protect human rights across the board, including instances of freedom expression violations. It can conduct investigation and recommend

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73 Regmi (2015), p. 8.
74 Nepal International Media Partnership (2015) p. 3.
75 Freedom Forum (2007), p. 139.

action.[76] This entails legal protection in regard to the safety of journalists, including community media and citizen journalists.

Many stakeholders interviewed/consulted during the present study said that whereas there is scope for improvement, existing legal provisions can protect the journalists to a large extent, if the provisions are fully respected and implemented. Various provisions in domestic and international law provide journalists with the necessary guarantees against violations of their rights and risks to their safety.

The Long-term Policy of Information and Communication Sector 2003 and the Report of High-Level Media Recommendation Commission 2006 (adopted by Ministry of Information and Communications, but relevant to the whole government) extensively address the issue of the press freedom and put forward various policy insights for the development of media industry in Nepal. The issue of professional security of journalists is dealt by the policy documents. However, such policy documents do not give particular focus to the issue of journalists' physical safety.

A new media policy is underway since 2011. The draft of the policy has been controversial since its beginning;[77] for instance, various stakeholders including FNJ have criticised it as control-oriented and having some provisions against the interests of journalists and the media industry.[78] Meanwhile, some media experts have commended it for its special attention to local and small media. The draft has specific policies for print media, broadcasting, cinema and advertising, but follows a common direction. In this document, the government expressed the importance of media to guarantee democracy, and of revising the outdated communication laws in place in the country. As a result, freedom of expression through the media is a key objective. The proposed Media Policy recognizes that guaranteeing the safety of journalists is a key objective in order to ensure free information.

In the existing laws, there is no clear definition of community media. Hence, there are no specific laws and policies in this regard. Whereas UNESCO's International Programme for the Development of Communication (IPDC) and the UNESCO Work Plan on the Safety of Journalists and the Issue of Impunity both consider 'journalists, media workers and social media producers who generate a significant amount of public interest journalism,' Nepal's existing laws and policies are not that broad. Particularly, citizen journalists do not seem to receive as much protection as professional journalists, who are formally recognised by the Information Department of the Government and the professional organisations such as FNJ.

According to a 2007 study, in case of communication/media related laws, the national standards have not been in accordance with the international standards, various laws have

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76   For instance, NHRC had investigated the killing of journalist Raj Kumar KC and sent its recommendations to the government.

77   International Alert, Nepal PatrakarMahasang, and Equal Access (2012), p. 25.

78   Federation of Nepali Journalists, available at: http://www.fnjnepal.org/media/?p=2391.

not been made in congruence with the constitution, there has not been congruence between policy and law, and law, policy, planning-programme and practice lack harmony.[79]

Practically, ensuring safety to journalists has not been satisfactory despite legal provisions, policy statements, and government's commitments in this regard. There is failure to implement positive obligations of the State to protect the journalists, and to investigate attacks against the journalists properly.

1.2 Attacks on the safety of journalists (including community media and citizen journalists) are recognized by the State as a breach of human rights law and the criminal law, and in the case of armed conflicts, humanitarian law.

There are no specific documents where the State has particularly recognized attacks on the safety of journalists (including community media and citizen journalists) as a breach of human rights law and the criminal law, and in the case of armed conflicts, humanitarian law. However, the general provision made for common citizens also apply to journalists, and, in practice, there has been special attention to journalists' cases, thereby ensuring State's recognition of such attacks as a breach of human rights law and the criminal law (see also further Category B, indicator 3.3).

1.3 With relevance to armed conflict situations, the State is a signatory to the Geneva Conventions and additional protocols, and human rights instruments such as the International Covenant on Civil and Political Rights, the UN Convention against Torture, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Rome Statute of the International Criminal Court.

Nepal is a party to almost all major international human rights instruments. Nepal had ratified the Geneva Conventions and additional protocols even before 1990, and it ratified almost all human rights instruments during early 1990s.[80] According to NHRC, 'Being a State Party to various international human rights instruments, it has, at least, in paper shown a full commitment towards its international obligations for the protection and promotion of human rights.'[81]

Besides the Geneva Conventions and additional protocols, Nepal has ratified human rights instruments such as the ICCPR, the UN Convention against Torture, the Convention on the

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79 Freedom Forum (2007), p. 131. For review of existing laws and policies on media, also see: International Alert, Nepal PatrakarMahasang, and Equal Access (2012).
80 Human Rights Alliance (2012), p. 50.
81 National Human Rights Commission (2007), p. 4.

Elimination of all Forms of Discrimination against Women (CEDAW). Meanwhile, the Rome Statute of the International Criminal Court (ICC) has not been ratified.

1.4 With further relevance to armed conflict situations, the State recognizes journalists as civilians in accordance with Geneva Convention and additional protocols.

Since Nepal is a signatory to the Geneva Conventions and additional protocols, it is obliged to respect their provisions. Hence, there is legal ground to consider that Nepal recognizes journalists as civilians in accordance with them.

1.5 The State's laws do not include sweeping or arbitrary provisions on treason, terrorism, state security or insult/ defamation offences etc. that are susceptible to misuse for the purpose of intimidating or prosecuting journalists.

It is evident from the above discussion on the media and legal system in Nepal in the introduction of the present report that some legal provisions are susceptible to misuse for the purpose of intimidating or prosecuting journalists even though the State's laws do not include sweeping or arbitrary provisions on treason, terrorism, state security or insult/ defamation offences etc. While guaranteeing the right to freedom of opinion and expression to every citizen, the constitution allows the State to make 'making of an Act to impose reasonable restrictions on any act which may undermine the nationality, sovereignty, independence and indivisibility of Nepal, or federal units, or jeopardizes the harmonious relations subsisting among the people of various caste, ethnicity, religion, or communities, or incites racial discrimination, or untouchability, or disrespects labour, or any act of defamation, or contempt of court, or an incitement of offence, or is contrary to decent public behaviour or morality.' Similar provision has been envisioned while guaranteeing the right regarding publication, broadcasting and press too. Various laws are also in place that follow the constitution's letter and spirit in such matter.

The primary goal of different laws pertaining to media seems to be to outline punishment for breaches, rather than to set standards of journalistic practices. Generally, serious measures, such as fines or imprisonment, have been emphasized, rather than aiming first instance at reforming behaviour, such as warning followed by serious measures when milder measures have failed to redress the problem. A report cites stakeholders saying that 'vaguely defined laws that are open to wide interpretations give enough room to those in power to gag the media under one pretext or another.'[82]

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82   SODEC-Nepal (2013), p. 4.

Citizen journalists are yet to be recognized by the journalism fraternity and the legal regime of the State. They are more prone to be victimised by such prospective misuses as they do not possess any of the professional protections accorded to professional journalists by the State.

Thus, even though the State has laws that are aimed at protecting professional safety of journalists, it is yet to ensure an effective legal mechanism to guarantee their physical and psychological safety. At the time of writing, instead of concrete action in this direction, the NHRC's role has generally been limited to issuing press releases. There is a large gap in terms of State's positive obligation to ensure journalists' safety.

2. There are appropriate normative statements, policies, and institutional frameworks that safeguard the importance of journalist's safety

2.1 The State is well informed on the subject through adequate mechanisms (institutions, programmes and budgets) being in place for monitoring and reporting on threats, harassment and violence towards journalists.

Consecutive governments in Nepal have been expressing their commitments to press freedom and journalists' safety. But, such commitments have been lacking proactive and operational implementation. In fact, the State is yet to address this through adequate mechanisms (institutions, programmes and budgets) being in place for monitoring and reporting on threats, harassment and violence towards journalists. The NHRC is yet to undertake concrete action in this regard. As the proposed media policy recognizes that guaranteeing the safety of journalists is a key objective to ensure free information, the State institutions are expected to come up with such mechanisms in the future.

Meanwhile, there are some mechanisms, such as Information Department, PCN and MWFC, to provide State's support to media and journalists. The government has been providing subsidies and advertisements to media, though it is said that only media owners are benefiting from this, unlike journalists. The government had announced insurance policy for journalists through the budget in 2014, which was not implemented and there is no mention to that policy in the 2015 budget recently presented in the parliament. The government had announced to establish a Mass Communication Training Academy through the budget in 2014, which is again mentioned in the 2015 budget. This academy is expected to promote journalists' safety by empowering journalists through professional training and capacity building.

2.2 The State has specific policies to support the protection of journalists and the implementation is assured of sufficient resources and expertise.

Until now, there is no specific policy to support the protection of journalists. It is very recently that it has become an agenda. Meanwhile, there have been some support for the development of media industry. The Press Council of Nepal, through the Media Development Fund, provides funding for small newspapers and publishers, with the aim of furthering democratic goals by increasing the number and quality of printed media available. But the benefit is limited to owners only. A welfare fund of PCN helps journalists for health treatment. A 2014 report says since its beginning two decades ago, as many as 282 journalists have been helped for their health treatment.[83] In brief, the State has not given priority to have specific policies to support the protection of journalists and no sufficient resources and expertise have been assured until now.

2.3 The State refrains from endorsing or promoting threats to journalists including through judiciary, police, fiscal, administrative, military and intelligence systems.

There is no evidence of the State officially endorsing violence against journalists. However, many journalists still consider state officials including security personnel as prospective threat to their safety, and State officials and political party activists, including others, are also among the frequent perpetrators of violence against media workers.[84] And, some political leaders have been reported in the news media for delivering speeches that could incite violence against journalists.

2.4 Guidelines are issued to military and police prohibiting harassment, intimidation or physical attacks on journalists; effective channels of communication exist between journalists' organisations and security forces concerning coverage of street protests, public events, etc.

Besides general commitment to press freedom and journalists' safety, generally no formal guidelines are issued to military and police prohibiting harassment, intimidation or physical attacks on journalists, although they are occasionally briefed by their own chain of command. As a study[85] observes, Nepal Police has a Media Policy that provides guidance to the police personnel on how to deal with journalists. Practically, journalists get special treatment except during the protests on the streets. Officials seem informed about the rights of journalists and

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83   Press Council Nepal (2014).
84   Adhikary (2013).
85   International Alert, Federation of Nepali Journalists, and Equal Access Nepal (2013), p. 11.

generally do respect the physical integrity of journalists and media staff while at work. But there have been instances of physical interference with filming or other journalistic work. No formal and institutional channels of communication are in place between journalists' organisations and security forces concerning coverage of street protests, public events, etc.

2.5   Government officials, law-enforcers, military officials, civil servants and representatives from the (independent) judiciary make clear statements recognising the safety of journalists and condemning attacks upon them.

Regularly, government officials, law-enforcers, military officials, civil servants and representatives from the (independent) judiciary make clear statements recognising the safety of journalists and condemning attacks upon them. The authorities often make public statements recognising the importance of journalists and the contribution of the press for democracy. Meanwhile, many stakeholders say that such statements are made just for public consumption, and the authorities do not play effective role in practice to promote journalists' safety.

A study[86] says, the journalists in the districts have been working in close cooperation with the security institutions as they constitute one of the most important and regular sources of news for journalists. Despite this, journalists do not trust security institutions as they also perceive them as a source of threat, and hence journalists practice self-censorship with regard to them. There is also a communication gap between the journalists and judiciary in the districts. Whereas journalists seldom approach the judicial institutions in the district, such institutions also prefer to remain out of media coverage.

2.6   The State has indicated commitments and support for journalists' safety in international fora.

Nepal has indicated commitments for journalists' safety in international fora. Since Nepal has become a party to major international human rights instruments, it has had occasions to express such commitments. As per the provisions of international human rights instruments Nepal has ratified/signed/acceded, for instance, in compliance with its reporting obligations, Nepal has submitted its periodic reports on the status and progresses made in respect of various UN human rights conventions including the ICCPR.[87]

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86   Adhikary (2013), pp. 27-28.
87   National Human Rights Commission (2007).

2.7 The State recognises that women journalists may be particularly at risk from sexual harassment and violence, and adopts appropriate measures to ensure safety on an equal basis between women and men.

In the recent years, it has become a ritual to express commitment to the safety of journalists in general and that of women journalists in particular. However, no mechanisms have been in place till now to show the State's recognition that women journalists may be particularly at risk from sexual harassment and violence. Thus, the State is yet to adopt appropriate measures to ensure safety on an equal basis between women and men.

2.8 The State enables the work of NGOs on safety issues and cooperates with them in appropriate ways.

Since the State is yet to have appropriate policy and adequate mechanisms (institutions, programmes and budgets) with regard to journalists' safety, it has not been identifying different stakeholders and cooperating with them in a systematic manner. Hence, the State has no systematic endeavours to enable the work of NGOs on safety issues and cooperate with them in appropriate ways. Meanwhile, NHRC's effort to cooperate with stakeholders including NGOs on safety issues is worth mentioning here.

Thus, the State has been quite active in giving normative statements, but its performance has been poor in terms of policies and institutional frameworks to safeguard the importance of journalists' safety. The role of NHRC is yet to be effective in practice as it is also largely focused on giving statements only.

3. The Criminal and civil justice system deals effectively with threats and acts of violence against journalists

3.1 Protection measures are provided to journalists when required in response to credible threats to their physical safety.

In principle, protection measures are available to journalists when required in response to credible threats to their physical safety. The authorities of State institutions do consider the importance of journalists' safety. During the consultation meetings for the purpose of the present study, authorities of State institutions alleged that journalists themselves have been reluctant to approach the State agencies. The journalists interviewed/consulted during the present study also confirmed that the assistance of government agencies and security officials are least preferred measures sought by journalists for their safety.

3.2   Where there is violence or threats against a journalist, due account is given by the authorities to any evidence showing linkage to the journalist's professional activities.

In cases of violence or threats against a journalist, due account is given by the authorities to any evidence showing linkage to the journalist's professional activities. As the journalist community in Nepal is one of the most vocal and influential pressure groups, the authorities also get influenced in such cases. There have been cases where the authorities have not disclosed details when violence or threat against a journalist was due to other factors than his/ her journalistic activity for the sake of 'protecting journalist's dignity in public'. In fact, giving due account by the authorities to any evidence showing linkage to journalist's professional activities has not been a problem in Nepal.

3.3   The State has specific institutions/units dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity.

The general legal procedure applicable to any public is applicable to journalists as well. There are no such specific institutions/units of the State that are dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity. However, journalists' cases get more media coverage and direct advocacy and pressure from journalist community thereby exerting more pressure on the State agencies. In cases, a specific investigating mechanism (such as an investigation commission or special task force) is set up by the government. More active involvement of MoIC, NHRC, PCN has been visible in lobbying and compensation in some cases.

A significant progress has been made in terms of establishing a national owned mechanism, overseen by the 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. NHRC has included the mechanism in its 2015-2020 Strategic Plan, identified a lead commissioner for this, and concrete proposals for how the mechanism should work are now being developed.[88]

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88   National Human Rights Commission (2015).

3.4 Investigations of crimes against journalists, including intimidation and threats, are investigated promptly, independently and efficiently.

According to a recent study,[89] of the 35 cases of journalists' killing and four cases of their abduction as listed by FNJ, only five cases have been brought to judicial process. Whereas one case is in the Supreme Court, orders have come from the Appellate Court in two cases (the court orders are yet to be implemented), one case is decided by the District Court (its order is being implemented), and one case is pending in the District Court. This situation shows that prompt, independent and efficient investigations of crimes against journalists, including intimidation and threats, are not ensured, and there is climate of impunity. The case becomes more complicated when the perpetrators are affiliated with major political parties. In many cases there has been deliberate inaction in the part of criminal and civil justice system in the country, some stakeholders from journalist community claimed during consultation meetings conducted for the purpose of the present study.

Despite the general recognition of the importance of press freedom in general and journalists' safety in particular, the State actors lack a proactive approach. The role of investigating agencies, such as different crime investigation units of Nepal Police and the offices of District Attorneys, and the Attorney General's office, is crucial for investigation leading to successful prosecutions. The efficiency of investigating agencies is hampered by various factors including impunity, political pressure and lack of resources, stakeholders say. Meanwhile, State authorities say that journalists do not want to follow legal procedure such as filing complaints properly.

3.5 Successful prosecutions for violence and intimidation are carried out against the full chain of actors in attacks, including the instigators/masterminds and perpetrators.

Many stakeholders say that Nepal has failed in terms of prosecutions for violence and intimidation as there is no proper investigation, and the prosecutions have not been carried out against the full chain of actors in attacks, including the instigators/masterminds and perpetrators.

Besides investigating and prosecuting agencies, some scholars and media rights activists even accuse the judicial system of alleged apathy/indifference toward crimes against journalists. They even expressed their fear of systematic impunity due to failure of criminal and civil justice system, although some cases have been resolved. One case is that of Uma Singh, a Dhanusha-based journalist working for Janakpur Today and Radio Today, who was killed on 11 January 2009. The district court has declared life imprisonment for the perpetrators.

89   Adhikary and Pant (2015), p. 42.

In another case, Dekendra Thapa, a Dailekh-based journalist working for Radio Nepal, was killed by Communist Party of Nepal (Maoist) cadres on 11 August 2004. Eight years after his murder, five perpetrators were arrested and tried into the District Court. Later, the case was brought to the Appellate Court. The court has already given the verdict and the order is yet to be fully implemented. FNJ has welcomed the recent verdicts of court in relation to the Uma Singh case[90] and Dekendra Thapa case.[91]

3.6 The State establishes specialist units that can deal appropriately with attacks on women, including women journalists.

There is no specialist unit that can deal appropriately with attacks on women, including women journalists. However, Nepal Police has Women Cell that could be relevant in this regard. National Women Commission also could be helpful in some cases. However, no specialist units have been established to deal with women journalists' cases particularly.

3.7 The State monitors the performance of specific State institutions and processes set up in relation to safety at national and local levels.

There are no such specific institutions and processes.

3.8 The State ensures that appropriate training and capacity is provided to police, prosecutors, lawyers and judges.

Though different types of trainings and capacity building programs are provided to police, prosecutors, lawyers and judges, generally they are not tailored to the threats and acts of violence against journalists. Meanwhile, recently some training has been conducted under the UNESCO/United Nations Peace Fund Nepal (UNPFN) project 'Increasing the Safety of Journalists'. However, the State is yet to ensure appropriate training and capacity to police, prosecutors, lawyers and judges with regard to journalists' safety.

Thus, criminal and civil justice system in Nepal has not been proactive to deal with threats and acts of violence against journalists. However, growing concern is visible among State officials in regard to journalists' safety.

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90   FNJ, available at: http://www.fnjnepal.org/media/?p=2431.
91   Dailekh Court Verdict on Dekendra's Murder (2015). Online:http://journosafenepal.org/dailekh-court-verdict-on-dekendras-murder.

4. The State takes other effective measures in regard to journalists' safety

4.1 The State publishes updated data about attacks on journalists and impunity.

Until the time of finalizing the present report in March 2016, the State had not been publishing updated data about attacks on journalists and impunity. According to a study in 2014,[92] besides different professional organisations of journalists themselves and some NGOs working in the field of press freedom, the Information Department and PCN each claimed to have a mechanism assigned particularly for monitoring of, and/or response to, media rights violation in Nepal. NHRC and Nepal Police Human Rights Cell claimed that they have been monitoring media rights violation as human rights issue. However, none of them have been publishing updated data about attacks on journalists and impunity in regular basis and systematic manner.

In fact, there is no specific State mechanism or unit particularly assigned for updating and publishing the updated data about attacks on journalists and impunity in Nepal. Though Nepal Police has been doing surveillance on the law and order situation, including attacks on journalists in the country, it does not keep disaggregated data about attacks on journalists since such attacks are treated as attacks on any citizen, thereby following a general legal procedure applicable to all.

4.2 The State recognises that protections applying to journalists may also be required to protect persons who represent sources of information for journalists and human rights defenders.

There is no specific legal provision and policy statement for the protection of those who represent sources of information for journalists and human rights defenders. However, the Right to Information Act has provision to protect whistle-blowers. Moreover, the State's obligation to protect its citizens also applies in this context as well. Though Nepal has no specific law giving journalists the right to protect the confidentiality of sources, the right is widely recognized in practice. In 2011, the Administrative Court has ruled that it is the newspaper's 'duty' to protect its sources and also instructed the government to develop source protection laws in accordance with international best practices in consultation with stakeholders.[93] Until the time of finalizing the present report in March 2016, no such law has been enacted.

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92 Adhikary (2014b).
93 UNESCO (2013a), p. 15-16.

4.3   The State consults with human rights/other relevant organisations on the appropriate policies and frameworks to counter specific threats to women journalists.

The State institutions and agencies have been consulting human rights/other relevant organisations when pertinent issues are concerned. However, stakeholders/key informants approached and interviewed during the present study did not recall any instance of being consulted particularly for policies and frameworks to counter specific threats to women journalists. Though the issue of journalists' safety in general is gaining some consideration it is yet to sensitize the State in specialized issues of women journalists' safety.

4.4   In cases of electronic surveillance, the State respects, and ensures respect for, freedom of expression and privacy, through international standards of transparency, proportionality and legitimate purpose.

Specific legal provisions and policies and clear guidelines are yet to be discerned with regard to electronic surveillance. However, the authorities claim to respect, and ensure respect for, freedom of expression and privacy.

4.5   The State reports on attacks to the appropriate UN agencies, including responses to the UNESCO Director-General's requests for information on judicial follow-up to any killing/s of journalists.

In 2008, the governing body of the IPDC within UNESCO adopted the first Decision on the Safety of Journalists and Issue of Impunity. It urges Member States to inform the Director-General of UNESCO, on a voluntary basis, of the actions taken to prevent the impunity of the perpetrators and to notify the Director-General of the status of the judicial inquiries conducted on each of the killings of journalists condemned by UNESCO. According to the UNESCO Director-General's recent report,[94] in 2013 Nepal was one of the 57 countries requested to submit information concerning the continuing cases covering the period from 1 January 2006 to 31 December 2012. Similarly, in 2014 Nepal was one of the 59 countries requested concerning the continuing cases covering the period from 1 January 2006 to 31 December 2013. Nepal did not send a response to either request. With regard to the status of the judicial inquiries of journalists killed from 2006 to 2013, the report mentions the names of seven journalists from Nepal with status of 'No Information Received So Far.' When the list is analysed in the context of Nepal, it is evident that the Government of Nepal has not informed UNESCO even about such cases which are already resolved by investigating agencies and court verdict also has come already.

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94   UNESCO (2014a).

4.6 The State has measures to support and compensate families of murdered journalists.

Until the time of writing, the State does not have formal measures or an institutional mechanism to support and compensate families of murdered journalists. Whenever any support/compensation is provided, it is done arbitrarily/subjectively. Some announcements by the government, such as insurance scheme to journalists, and a welfare fund to support the conflict victim journalists, are in the process of being implemented.

Thus, effective measures by the State in regard to journalists' safety as outlined by JSI are yet to be in place. Little congruence has been witnessed between commitments and implementation to ensure the safety of the journalists.

Category C

The roles and response of civil society organisations and academia

Key Indicators

1. CSOS AND ACADEMIA MONITOR AND SHARE INFORMATION ABOUT SAFETY ISSUES

1.1 CSOs research and monitor safety issues of journalists.

1.2 CSOs analyse data to produce high quality understanding of circumstances and causes of killings and impunity.

1.3 CSOs provide information to the media and wider public.

1.4 CSOs monitor and report upon specific attacks upon or harassment of women journalists or other specifically targeted groups.

1.5 CSOs provide information to UN agencies and to Universal Periodic Review process about journalists' safety.

2. NATIONAL CSOS PROMOTE CO-ORDINATED APPROACHES TO SAFETY ISSUES

2.1 CSOs have resources to work on safety issues.

2.2 CSOs co-operate among themselves and with other stakeholders.

2.3 National NGOs have significant consultation and co-ordination with international NGOs.

2.4 CSOs co-operate effectively with State, legislative bodies, UN and others in contributing to law and policy making.

3. CSOS AND ACADEMIA BUILD KNOWLEDGE AND CAPACITY

3.1 Academic and other journalists' training courses include adequate professional training on safety issues.

3.2 CSOs provide relevant information, including about training opportunities and resources, to journalists.

3.3 CSOs provide legal advice and services to journalists on safety issues, including counselling and assistance to journalists under threat and to families of murdered journalists.

3.4 CSOs develop programmes that provide specific support for women journalists.

3.5 CSOs evaluate and report on their training and support initiatives undertaken.

3.6 CSOs provide safety equipment for vulnerable media workers.

3.7 CSOs provide, where appropriate, places of refuge or safe houses, for media workers under severe threat.

3.8 CSOs participate in humanitarian relief efforts for journalists under threat or who have been killed or injured.

Category C
The roles and response of civil society organisations and academia

1. CSOs and academia monitor and share information about safety issues

1.1   CSOs research and monitor safety issues of journalists.

Nepal has a vibrant civil society environment.[95] It has a number of active civil society organisations (CSOs) that directly work on promoting press freedom. Some of them have been carrying out activities to support media development and to advocate for ending attacks on journalists and media workers and an end to impunity. Of them, very few have been involved in research and monitoring safety issues of journalists. The Human Rights organisations in Nepal incorporate monitoring of, and/or response to, media rights violations as a part of their regular activity. For instance, Informal Sector Service Center (INSEC) has been implementing a project 'Protection of Human Rights Defenders in Nepal' that covers the safety/security issues of journalists across the country. In case of any incident of grave violation of journalists' rights, many CSOs coordinate for monitoring of, and/or response to, such case.

1.2   CSOs analyse data to produce high quality understanding of circumstances and causes of killings and impunity.

CSOs are occasionally involved in analysing data about safety issues, but whether this fosters high quality understanding of circumstances and cause of killings and impunity is debatable. There have been a number of studies by CSOs on impunity in Nepal. For instance, under the assistance of IPDC/UNESCO, a study report on impunity in the cases of crimes against journalists has been published by Development Communication Society Nepal (SODEC-Nepal).[96]

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95 The term 'Civil Society Organizations' is quite broad. By its broad definition, even journalists' unions and professional bodies, NGOs operated by journalists, and INGOs working for press freedom and journalists' safety could have been included under CSOs. But, for the purpose of this study, journalists' unions and professional bodies, and NGOs operated by journalists are included under Category D. Hence, the works of organizations like Freedom Forum and Sancharika Samuha have been considered under Category D. And, INGOs working for press freedom and journalists' safety are included under Category E.
96 Adhikary and Pant (2015).

1.3   CSOs provide information to the media and wider public.

When CSOs are involved in monitoring, their reports are made public through various means including their own websites. For instance, INSEC's daily updated bilingual news portal – www.inseconline.org – has been instrumental in disseminating information on human rights violations across the country that also includes media rights issues.

1.4   CSOs monitor and report upon specific attacks upon or harassment of women journalists or other specifically targeted groups.

Any specific attacks upon or harassment of any specifically targeted groups, including women journalists, draw the attention of special interest CSOs (in addition to general human rights organisations). In fact, many CSOs have been involved in monitoring and reporting in this regard. For instance, Women's Rehabilitation Center (WOREC) has been involved in monitoring and reporting of issues related to women journalists.

1.5   CSOs provide information to UN agencies and to Universal Periodic Review process about journalists' safety.

It is to note that the Director-General of UNESCO submits an analytical report to the IPDC Council on the Safety of Journalists and the Danger of Impunity, from which individual country information is used in UNESCO's submission to OHCHR within the framework of the Universal Periodic Review. In due course of preparing the report, CSOs provide information. In case of Nepal, Freedom Forum had contributed for this.

Thus, some CSOs in Nepal have been involved in monitoring and sharing information about journalists' safety issues, generally approaching it as the part of human rights. In case of academia, they have not been involved to monitor about journalists' safety though there is some contribution by them in discussing safety.

2. National CSOs promote co-ordinated approaches to safety issues

2.1   CSOs have resources to work on safety issues.

Generally, as the stakeholders informed the research team during interviews and discussions during the study, CSOs do not have resources specifically dedicated to work on safety issues. They heavily depend on donor support and lack sustainable resources. Hence, their activity is project-driven.

2.2   CSOs co-operate among themselves and with other stakeholders.

According to UNESCO's *Assessment of Media Development in Nepal based on UNESCO's Media Development Indicators*,[97]

> Nepali CSOs have been active partners in advocacy for freedom of expression. This was particularly so during 2005 and 2006, when organisations representing professionals including lawyers, university teachers, school teachers, doctors and engineers joined hand with human rights groups, media development organisations and the FNJ to protest against controls on expression. Generally, Nepal's CSOs have supported the promotion of freedom of expression and of the safety of journalists, and have engaged with policy makers on media policy. However, these engagements have not been consistent, often due to lack of adequate resources.

The CSOs have been active in supporting media development and in advocating for ending attacks on journalists and media workers and an end to impunity. Often, such activities involve co-operation among themselves and with other stakeholders.

2.3   National NGOs have significant consultation and co-ordination with international NGOs.

National NGOs attempt to draw international attention to attacks or threats against journalists. In this course, they have significant consultation and co-ordination with INGOs.

2.4   CSOs co-operate effectively with state, legislative bodies, UN and others in contributing to law and policy making.

The CSOs have been working to expand awareness of the problems that journalists face and to contribute to agenda setting in this regard. They have been lobbying national and international institutions for further action. There are instances when they have been cooperating effectively with state, legislative bodies, UN and others in contributing to law and policy making. For instance, CSOs including Collective Campaign for Peace (COCAP), INSEC and Freedom Forum have been cooperating with various stakeholders in contributing to law and policy making.

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[97]   UNESCO (2013a), p. 80.

3. CSOs and academia build knowledge and capacity

3.1 Academic and other journalists' training courses include adequate professional training on safety issues.

The number of academic institutions providing journalism education is increasing. An extensive review of existing journalism curricula of universities in Nepal[98] shows that the curricula have more or less incorporated core knowledge and skills required for journalism though they lack sufficient focus on practicum. Since journalism curricula offered by the universities in Nepal do not pay special attention to the issue of journalists' safety, the academic courses do not include adequate content on safety issues. Most of the trainings provided to journalists are often focused on empowering journalists to report on particular issues or sectors or beats rather than on safety issues. Journalism training institutions do not as yet have specific courses on safety practices in journalism, though Kathmandu University has included the concept of journalists' safety in some of the courses offered in Bachelor in Media Studies. Academic and other journalists' training courses are yet to incorporate journalists' safety pertinently, and mainstreaming of gender in regard to the specific types of violence faced by women journalists is also yet to be done. A review of available training curricula during the present study shows that the curricula do not include adequate professional training on safety issues. A training manual developed by UNESCO/MAG[99] includes particular sessions and content for the safety issue.

According to an IFJ report,[100] among 103 total respondents, whereas, 84 percent said they had participated in a training or professional development, as many as 48 percent undertook training with NGOs, and only 25 percent undertook training with their employer and 19 percent with the union. This shows the significant role of NGOs/CSOs in providing training to journalists.

The IFJ report observes,

> Safety training is evidently not yet commonly provided to journalists in Nepal, with 74 percent of survey participants saying they had never undergone safety training and this was evenly distributed between men and women. More men (36 percent) had been given safety training than women (23 percent). Among those respondents that had received training, it was provided mainly by NGOs (42 percent) and the union (30 percent). (IFJ, 2015, p. 18)

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98 Adhikary and Pant (2014). For a critical appraisal on journalism curricula in Nepal, see: Pant (2009). For gender perspective on journalism education in Nepal, see: Adhikary and Pant (2011).

99 Adhikary (2014a).

100 International Federation of Journalists (2015), p. 17.

Various CSOs occasionally conduct trainings for journalists. A study[101] identifies as many as 31 organisations, including training institutes, journalists' unions/associations as well as CSOs that were providing training for journalists. According to a study on different aspects of media training in Nepal,[102] many of the project-based journalism trainings are conducted without any curricula, and, except for few training institutes, most organisations do not care about quality of the training. 'Journalism trainers feel that the training modules generally applied in the country to build journalist capacity are mostly outdated and cannot ensure long-term utility.'[103]

3.2 CSOs provide relevant information, including about training opportunities and resources, to journalists.

CSOs claim that they provide relevant information, including about training opportunities and resources, to journalists. However, other stakeholders consulted during the present study said that there is no systematic and transparent mechanism in this regard, and training opportunities are often provided to journalists through their networks.

3.3 CSOs provide legal advice and services to journalists on safety issues, including counselling and assistance to journalists under threat and to families of murdered journalists.

No CSOs informed that they are currently engaged in providing legal advice and services to journalists on safety issues, including counselling and assistance to journalists under threat and to families of murdered journalists.

3.4 CSOs develop programmes that provide specific support for women journalists.

No CSOs (except those specifically working for women journalists, which are included under indicator category D) informed that they are currently engaged in developing programmes that provide specific support for women journalists.

3.5 CSOs evaluate and report on their training and support initiatives undertaken.

No such practice exists except that is mandatory for project evaluation and report purpose. No such evaluation and report were found in public domain.

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101 Media Foundation Nepal (2012), p. 29.
102 Humagain, Parajuli, Maharjan, and Panthi (2010).
103 Media Foundation Nepal (2012), p. 150.

3.6 CSOs provide safety equipment for vulnerable media workers.

No CSOs informed that they provide safety equipment for vulnerable media workers.

3.7 CSOs provide, where appropriate, places of refuge or safe houses, for media workers under severe threat.

At times, some CSOs had been involved to provide places of refuge for media workers under severe threat.

3.8 CSOs participate in humanitarian relief efforts for journalists under threat or who have been killed or injured.

There were instances when CSOs have participated in humanitarian relief efforts for journalists under threat or who have been injured or killed.

Thus, CSOs and academia have been contributing to build knowledge and capacity of journalists. Whereas their role in imparting general professional skill has been quite significant, they are yet to contribute in that manner in the context of journalists' safety in particular. This is to note that CSOs (except those particularly working for press freedom and journalists' safety) do not have journalists' safety on their priority list these days because in the changed political situation they do not perceive imminent danger against journalists. And, currently CSOs have not given priority to being engaged in providing specific supports, equipment and humanitarian assistance to journalists.

Category D

The roles and response of media actors and intermediaries

Key Indicators

1. MEDIA ORGANISATIONS ADOPT SPECIFIC MEASURES TO PROTECT THE SAFETY OF JOURNALISTS

1.1   Media organisations monitor safety issues and have a safety policy that is written and available to staff.

1.2   Safety policies extend to freelance journalists, their assistants, local employees and support personnel.

1.3   Journalists, including freelancers, have contracts with proper terms of employment, including with respect to safety and personal risk.

1.4   Media organisations ensure that workplace and working conditions are safe and secure.

1.5   Journalists have the right to refuse dangerous assignments.

1.6   Safety policies include risk assessment provisions to establish levels of danger facing employees on particular assignments.

1.7   Media organisations provide hostile environment and risk awareness training before journalists are sent on dangerous assignments.

1.8   Media organisations provide adequate insurance and necessary safety equipment to journalists on dangerous assignments including equipment that is appropriate to women.

1.9   Media organisations provide adequate back-up to journalists on dangerous assignments.

1.10 Media organisations liaise with security forces where appropriate to establish guidelines on treatment of journalists before entering a dangerous area.

1.11 Media organisations recognise that women employees face specific risks and undertake specific mitigation strategies.

1.12 Community media operate safety protocols as appropriate to their circumstances.

2. JOURNALISTS' UNIONS AND PROFESSIONAL BODIES TAKE SPECIFIC MEASURES TO PROMOTE THE SAFETY OF JOURNALISTS

2.1   Journalists' unions/associations monitor safety issues and advocate to employers and the authorities to have effective policies about these.

2.2   Journalists' unions/associations provide information resources and promote good practices, also in regard to media professionalism.

2.3   Journalists' unions/associations provide practical advice and access to specialist resources to media staff working on dangerous assignments.

2.4   Journalists' unions/associations provide training and stress counselling to journalists.

2.5   Journalists' unions/associations make support available to community media and citizen journalists.

2.6   Journalists' unions/associations establish programmes for women journalists that take account of specific risks they will face on dangerous assignments.

3. ALL MEDIA ACTORS, INCLUDING INDIVIDUAL JOURNALISTS, PROMOTE SAFETY IN DIGITAL COMMUNICATIONS

3.1   Journalists are aware of digital dangers and protection measures.

3.2   Journalists effectively use protection in digital communication including appropriate software and other precautionary measures.

3.3   Employers and others provide software, equipment and training that enable journalists to protect communications.

4. MEDIA ACTORS COVER SAFETY ISSUES

4.1   The media community demonstrates its own concern on the issues of safety and impunity, is not afraid to report on those issues as matters of public interest, and recognises the common interests with community media and citizen journalists in those matters.

4.2   Media acts as a community advocate for these issues.

4.3   Media actors work with non-media stakeholders to ensure adequate policies and attention to the issue.

5. INTERMEDIARY ENTITIES RESPECT JOURNALISTS' SAFETY

5.1   Internet, IT and telecoms companies have secure facilities that protect journalists' data from hackers.

5.2   Internet, IT and telecoms companies have clear, transparent and proportionate policies in line with international standards on privacy as regards releasing private data to law-enforcement authorities and others.

5.3   Internet, IT and telecoms companies report transparently and periodically on items 5.1 and 5.2 above.

5.4   Internet, IT and telecoms companies have data-protection policies that entitle clients to track any third party engagement with their data.

5.5   Internet, IT and telecoms companies have a policy to inform their users about data requests by government agencies.

The roles and response of media actors and intermediaries

1. Media organisations adopt specific measures to protect the safety of journalists

1.1 Media organisations monitor safety issues and have a safety policy that is written and available to staff.

Except for occasionally issuing press statements to denounce attacks against themselves, media houses (and associations of media owners too) have not been proactive in regard to safety issues. No such media organisation could be identified that consistently monitors safety issues. None of the media organisations interviewed during the present study said that they have a safety policy that is written and available to staff. Some of the media owners consulted during the present study claimed to have some safety policies in place, but their claim could not be substantiated as the policy is not available to staff in writing.

Virtually all journalists interviewed/consulted during the present study alleged that there has been no intervention on the part of media organisations to promote the safety of journalists. On the contrary, some even have opined that 'media owners themselves harass journalists.'[104] What has been observed in general seems quite applicable in case of Nepal in particular too: 'often media houses do not take the safety of their staff seriously enough and do not put sufficient procedures or policies in place.'[105]

1.2 Safety policies extend to freelance journalists, their assistants, local employees and support personnel.

Whereas the condition of full time journalists itself is very poor, the issue of freelance journalists, their assistants, local employees and support personnel is yet to get due attention. Freelance journalists, their assistants, local employees and support personnel are being ignored much more than fulltime journalists employed by media organisations. The media organisations have not been taking the responsibility of protecting freelance or part-time

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104 SODEC-Nepal (2013), p. 3.
105 International News Safety Institute (2014), p. 18.

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employees. They do not receive same protection from the media organisation and do not have access to training and equipment as that made available to full-time staff.

1.3 Journalists, including freelancers, have contracts with proper terms of employment, including with respect to safety and personal risk.

Journalists in Nepal have been struggling to get contracts/appointment letters from the media organisations. According to the latest available annual report of MWFC,[106] only 56% journalists and media workers have got appointment/contract letters, that is, 44% of them do not have not any formal contract thereby lacking any terms of employment. Even those who have got some sort of contract do not get even minimum wages. Some are even working on the basis of verbal commitment (by the employer) only, an earlier report observed.[107] A study among women journalists[108] observes that 'media houses are forcing journalist to work without appointment letters and even identity cards.' Even 'big media houses' have failed to implement provisions of the Working Journalists Act.[109]

1.4 Media organisations ensure that workplace and working conditions are safe and secure.

Stakeholders say that ensuring safety of workplace and working conditions has not been priority of media organisations. It has been highlighted in a study[110] that there is a lack of communication between the editors and reporters about the security issues, and that sometimes the safety of people on the ground is compromised. The vast majority of the journalists do not seem assured that workplace and working conditions are safe and secure.

After the devastating earthquake on 25 April 2015, and series of its aftershocks, the concern over workplace safety has been much raised. Even 'big' media organisations operated from tents and temporary locations after the earthquake, which highlights the unsafe conditions of their buildings. The situation of local radio stations is more challenging in this regard. According to Freedom Forum, 'As many as 120 FM radio stations got damage which disrupted news airing, and some station buildings collapsed while some had equipment damage.'[111]

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106 NyunatamParishramikNirdharanSamiti (2013).
107 NyunatamParishramikNirdharanSamiti (2011), p. 170.
108 Ghimire (2014), p. 19.
109 Thula Midiya Housemai Patrakarko Awastha Dayaniya (2015).
110 International Alert, Federation of Nepali Journalists, and Equal Access Nepal (2013).
111 Available at:http://freedomforum.org.np/content/publications/reports/media-monitoring-reports/.

1.5   Journalists have the right to refuse dangerous assignments.

In practice, journalists are not forced to undertake dangerous assignments, and according to the journalists interviewed for the present study, they can refuse when asked. But usually no clear policy in writing is available.

1.6   Safety policies include risk assessment provisions to establish levels of danger facing employees on particular assignments.

There is no policy to include risk assessment provisions to establish levels of danger facing employees on particular assignments. Meanwhile, in some media houses, providing advice by editor and/or chief reporter to the journalists on 'risky' assignments is in practice.

1.7   Media organisations provide hostile environment and risk awareness training before journalists are sent on dangerous assignments.

Media organisations do not provide hostile environment and risk awareness training before journalists are sent on dangerous assignments. Some journalists informed that sometimes their organisations organize discussions about security issues, where senior journalists and media owners caution them about the safety preparedness. According to the journalists interviewed for the purpose of this study, they do risk assessment on their own, regarding to any reporting assignment. However, journalists admit that they are unaware of any systematic method of risk assessment. Generally, it is 'common-sense' or some hearsay on which they base their assessment, and gauge possible risks and threats before assuming the responsibility for particular reporting assignments.

1.8   Media organisations provide adequate insurance and necessary safety equipment to journalists on dangerous assignments including equipment that is appropriate to women.

Providing adequate insurance as well as necessary safety equipment and medical and health safeguards to journalists and other staff assigned to dangerous assignments, is a responsibility that has not been fulfilled by media organisations in Nepal. A study report has criticised the media houses for being 'more concerned about the security of equipment and physical assets than about the safety of journalists, leaving them vulnerable to external risks.'[112]

Some mainstream media houses in Kathmandu, such as the Kantipur Media Group, have provided health insurance to their employees. According to a study,[113] very few journalists working as district reporters of Kathmandu-based big media houses mentioned that their

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112 International Alert, Federation of Nepali Journalists, and Equal Access Nepal (2013), p. 7.
113 Bhattarai (2014).

office applied policy to the reporters at districts. A report of IFJ says that safety equipment is rarely provided to journalists.[114] Generally, journalists are sent to cover conflict issues without suitable equipment.

1.9 Media organisations provide adequate back-up to journalists on dangerous assignments.

Media organisations do not have any clear policy on providing back-up to journalists on dangerous assignments.

1.10 Media organisations liaise with security forces where appropriate to establish guidelines on treatment of journalists before entering a dangerous area.

There is no institutional practice by media organisations to liaise with security forces where appropriate to establish guidelines on treatment of journalists before entering a dangerous area. The relationship between media organisations and security personnel is not always purely professional.[115] The lack of institutional mechanism in this regard requires the individual journalists to negotiate with security forces on their own.

1.11 Media organisations recognise that women employees face specific risks and undertake specific mitigation strategies.

With regard to women employees, media organisations do not undertake specific mitigation strategies even though women are vulnerable to face specific risks. In the context of Nepal, it is widely acknowledged that women journalists have been facing various problems including exclusion, glass ceiling, and harassment, and they are more vulnerable than their male counterparts.[116] The stakeholders interviewed during the present study heavily criticised media houses for not having a women journalist-friendly working environment. Media organisations are yet to ensure gender sensitivity, they said. Meanwhile, it was acknowledged that media organisations do provide transportation facility for late night shifts.

1.12 Community media operate safety protocols as appropriate to their circumstances.

Introducing safety protocols to newsrooms has not become an agenda for Nepali media houses including community media. Hence, no protocols are in place to ensure the safety of

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114 International Federation of Journalists (2015), p. 16.
115 International Alert, Federation of Nepali Journalists, and Equal Access Nepal (2013), pp. 11-12.
116 For instance: Adhikary (2013); Ghimire (2014); International Alert, Federation of Nepali Journalists, and Equal Access Nepal (2013); International Federation of Journalists (2015); Nepal Patrakar Mahasangh (2014); Sancharika Samuha (2005, 2011); UNESCO (2015b).

the journalists when covering difficult or dangerous events, as well as their personal safety when under threat.

Thus, media organisations have not been adopting specific measures to protect the safety of journalists. Neither the workplace/working conditions of journalists are safe and secure, nor does there seem to be any willingness in the part of media houses to improve the situation until the time of writing. In such a situation, the following observation is valid in Nepal's context too: 'Many media organisations are still a long way from having a culture where they prioritise safety and understand that prevention is better than a cure with regard to the security and the well-being of their media staff.'[117]

2. Journalists' unions and professional bodies take specific measures to promote the safety of journalists

2.1 Journalists' unions/associations monitor safety issues and advocate to employers and the authorities to have effective policies about these.

Journalists' unions/associations such as FNJ, Freedom Forum and Sacharika Samuha, including others, are very active in monitoring safety issues and advocating to employers and the authorities to have effective policies about these. As the most representative body of journalists in Nepal, FNJ has nation-wide mechanism to monitor journalists' safety. FNJ and other organisations have been bringing pertinent information to public domain through different outlets including regular publications and regular updates of web contents. The recently launched website http://journosafenepal.org/ is expected to be very useful in this regard. Freedom Forum has different outlets including regular publications, a dedicated website www.nepalpressfreedom.org.

Whereas advocacy of journalists' unions/associations to the State authorities seems to have some impact, their advocacy to employers has not had significant effect. With its strong presence across the country and wide national and international acceptance, FNJ has been instrumental in mainstreaming media rights agenda. Whereas Freedom Forum also has been instrumental in mainstreaming the agenda of promoting freedom of expression in Nepal, Sancharika Samuha has been instrumental for agenda setting from gender perspective.

However, the mechanisms for monitoring media rights have severe limitations both in terms of staffing and budgeting.[118] Whereas they have been functioning with very few staff, the budgeting of the respective mechanisms depends on donor support, and the budget keeps on fluctuating. The sustainability of monitoring of, and response to, media rights violation is not ensured.

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117 International News Safety Institute (2014), p. 50.
118 Adhikary (2014b), p. 25.

2.2 Journalists' unions/associations provide information resources and promote good practices, also in regard to media professionalism.

As compared to their advocacy works, journalists' unions/associations are lagging behind to provide information resources and promote good practices.

2.3 Journalists' unions/associations provide practical advice and access to specialist resources to media staff working on dangerous assignments.

They are yet to be engaged in providing practical advice and access to specialist resources to media staff working on dangerous assignments.

2.4 Journalists' unions/associations provide training and stress counselling to journalists.

Journalists' unions/associations are providing training to journalists though in limited extent. According to an IFJ report,[119] of a total 103 respondents, 84 percent said they had participated in a training or professional development, only 19 percent undertook training with the union. It is to note that 48 percent undertook training with NGOs and 25 percent with their employer.

According to the same report,[120] only 26 percent of survey participants said that they had undergone safety training. Among those respondents that had received training, it was provided mainly by NGOs (42 percent), and lesser by the union (30 percent).

This shows that journalists unions lag behind NGOs to provide training to journalists. In recent years, journalists' unions/associations are giving more importance to training programmes.[121] Meanwhile, they are yet to engage themselves on stress counselling to journalists.

2.5 Journalists' unions/associations make support available to community media and citizen journalists.

Whenever journalists' unions/associations have any support at their disposal, they provide it to all kinds of journalists including those working in community media. But, generally they do not include citizen journalists. Thus citizen journalists in Nepal have even lesser support available to them than the professional journalists.

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119 International Federation of Journalists (2015), p. 17.
120 International Federation of Journalists (2015), p. 18.
121 FNJ, available online: http://www.fnjnepal.org/media/?p=1574.

2.6   Journalists' unions/associations establish programmes for women journalists that take account of specific risks they will face on dangerous assignments.

Women do not have equitable representation in journalists' unions and associations. Many of the journalists' unions/associations have not established any particular programmes for women journalists that take account of specific risks they will face on dangerous assignments. Meanwhile, organisations like Sancharika Samuha and WWJ dealing with issues of women journalists provide training and counselling.

Thus, journalists' unions/associations in Nepal are actively working to monitor safety issues and advocate to employers and authorities. They are also engaged in providing training but yet to focus on stress counselling to journalists. There are some organisations that work specifically for women journalists.

3. All media actors, including individual journalists, promote safety in digital communications

3.1   Journalists are aware of digital dangers and protection measures.

The familiarity and use of Internet by journalists is increasing with the rise in accessibility and emphasis on digital literacy among them. A survey conducted among 1119 journalists[122] shows that 88% of the respondents access the Internet daily, primarily from their offices with an average of 4.5 hours per day spent online. Almost all the respondents are reported to be familiar with various social networking platforms. The survey shows that Nepali journalists have been using the Internet in general, and social media in particular, for professional purposes. The survey does not contain any information whether journalists are aware of digital dangers and protection measures.

Another survey[123] indicates that a majority (80%) of the journalists in the sample of 838 journalists said they knew how to use Internet for professional work, 7% each said they used social media such as Facebook, and knew how to search for quality information in the Internet. A very small percentage of respondents said they were able to develop a database for writing the news (1%), create personal blogs (1%), send emails with attachments (1%), and do video-conferencing (1%)

There is significant development with regard to digital literacy among the journalists in Nepal. However, the situation is not the same in regard to the dangers in digital communication. A

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122 Federation of Nepali Journalists (2012).
123 Media Foundation Nepal (2012), p. 96.

recent UNESCO publication[124] discusses various kinds of digital threats such as legal or illegal digital surveillance, location tracking, software and hardware exploits without the knowledge of the target, phishing, fake domain attacks, Man-in-the-Middle (MitM) attacks, and Denial of Service (DoS). Moreover, it also mentions website defacement, compromised user accounts, confiscation or theft of their digital resources, and online intimidation, disinformation and smear campaigns. Most of the journalists and other stakeholders interviewed for the present study were found unaware of most of the above mentioned digital threats.

Likewise, most of the journalists expressed their ignorance with regard to the possibility that their movements may be exposed through cell phone-linked geolocation data. Also, many of them are unaware that their personal lives may be visible on social media, and their communication meta-data may be mined. During the interviews, it was found that journalists lack understanding of how 'digital hygiene' can affect psychological and physical safety. Though they are concerned about digital security threats, most of the journalists have not thought much about the protection measures.

3.2 Journalists effectively use protection in digital communication including appropriate software and other precautionary measures.

Journalists have not been aware of protection measures in digital communication. Most of the journalists expressed their belief that a strong password itself is a guarantee of safety in digital communication. They do not use appropriate software and other precautionary measures. For instance, the vast majority of the journalists interviewed/consulted for this JSI assessment were not familiar with the use of safety technologies such as encryption.

3.3 Employers and others provide software, equipment and training that enable journalists to protect communications.

A study[125] says, 'In terms of infrastructure, most journalists within major media houses have access to resources, ICT, libraries and other such informational materials, including personal computers (in some case; an increasing trend).' Apart from in-built software with the computers, there is no practice by media houses (a very few mainstream media houses in Kathmandu being an exception) of seeking specialised software and equipment keeping in view of protection in digital communication of journalists. Media owners and managers are either unaware of such software and equipment or unwilling to purchase on the argument that digital security tools are very expensive and they cannot afford it. Neither has there been any training to enable journalists to protect communications.

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124 Henrichsen, Betz, and Lisosky (2015).
125 Media Foundation Nepal (2012), p. 23.

4. Media actors cover safety issues

4.1   The media community demonstrates its own concern on the issues of safety and impunity, is not afraid to report on those issues as matters of public interest, and recognises the common interests with community media and citizen journalists in those matters.

The media community in Nepal has been quite active to demonstrate its own concern on the issues of safety and impunity. It is not afraid to report on those issues as matters of public interest, and recognises the common interests with community media as well. However, citizen journalists are generally excluded from the media fraternity, and hence their safety gets less concern as compared to professional journalists.

Some media critics have said that journalists are not vocal enough on their professional security issues. For instance, journalists do not come forward even when they are not provided with proper working conditions, and they keep silent even when they are deprived of their salaries/remunerations for several months, critics say. Journalists' submission in such matters hampers the professional safety climate in the country, they argue.

4.2   Media acts as a community advocate for these issues.

Though there are divisions across political lines or other identity based issues, media actors get largely united when it comes to matters of journalists' safety. They act as a community advocate for these issues and join hands in issuing statements, lobbying jointly and organising protests including other activities.

4.3   Media actors work with non-media stakeholders to ensure adequate policies and attention to the issue.

Media actors have been working with non-media stakeholders (such as professional organisations of lawyers, teachers, professors, and so on) for the promotion of journalists' safety. However, there is no coordinated mechanism and it is yet to be institutionalized. They are yet to establish systematic co-operation with non-media stakeholders to ensure adequate policies and attention to the issue.

5. Intermediary entities respect journalists' safety

5.1   Internet, IT and telecoms companies have secure facilities that protect journalists' data from hackers.

Nepal has witnessed huge growth of Internet, IT and telecom companies in recent years. Meanwhile, digital safety is yet to be sufficiently addressed. As it is observed,

Despite the numerous IT related Acts and Regulations, critical attention to the connectivity issues appears to be lacking. Key problems regarding the access and use of the Internet and its content have therefore remained unresolved. For instance, the Acts covering patent rights, e-commerce and copyright issues, which have been framed on demand from the private sector, do not apprehend crucial concerns directly related to the Internet such as e-payments, and the security and misuse of the electronic data.[126]

Internet, IT and telecom companies in Nepal claim that they have been employing the latest and best available technology. But, it is observed that 'Internet in Nepal is immature in terms of technology infrastructure and quality of service delivery.'[127] A study says, 'Investments in data storage and sharing are productive only when improvements in knowledge infrastructure – people, practices, technologies, institutions, material objects and relationships – are achieved. Questions regarding the latter in the Nepali context are still open.'[128]

Nepal has no specific law on data protection. However, the Electronic Transaction Act has defined and set penalties for computer and cybercrimes, such as hacking, piracy, and computer fraud. Due to absence of privacy law in general, and data protection law in particular,

it is not clear which individuals or agencies have access to personal data, how and for what purpose the data collected can be used, or by which procedures and mechanisms the collected data is stored.

The Nepalese legal regime is silent concerning in which circumstances the right to privacy or data protection can be infringed. 'Except in circumstances as provided by law' is not specific and adequate to regulate a fundamental right guaranteed by the Constitution.[129]

Internet, IT and telecoms companies are responsible themselves as 'Nepali state is clearly for the self-regulation of the private ICT sector in consonance with the US idea of minimal state interference in the sector.'[130] The service providers do not have specific policy to protect journalists' data from hackers, but they claim that the provisions made for general customers are enough in this regard.

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126 Martin Chautari (2014), p. 3.
127 Martin Chautari (2015), p. 1.
128 Martin Chautari (2014), p. 7.
129 Internet Society Nepal (2012), p. 46.
130 Martin Chautari (2014), p. 5.

5.2 Internet, IT and telecoms companies have clear, transparent and proportionate policies in line with international standards on privacy as regards releasing private data to law-enforcement authorities and others.

Internet, IT and telecoms companies are yet to have clear, transparent and proportionate policies on privacy as regards releasing private data to law-enforcement authorities and others. Service providers say, business ethics is the only guideline for good practices with regard to privacy data on Internet. Internet service providers (ISP) 'claim that they do not monitor the activity or store browsing history of their customers unless under police requests. Costly data storage and privacy concerns are often cited for such benevolence. However, serious security concerns about the present digital eco-system have been raised.'[131] Meanwhile, they have been providing data to law-enforcement authorities whenever they have been formally asked for this.

Whereas the Ministry of Science and Technology (MoST) and the MoIC are two line ministries generally involved in IT-related policies, Nepal Telecommunications Authority (NTA) is the regulatory body. Since there is no law with regard to privacy even though the constitution guarantees right to privacy, there is chance of misusing private data. Service providers say that they are obliged to provide all data as asked by the law-enforcement authorities, and they do not judge the purpose behind such requests.

In practice, as it has been discussed,[132] NTA collaborates

> with the Nepal police in the monitoring of services provided and developed a mechanism, in coordination with ISPs and the Nepal Police, to provide operational data relating to telecommunication services to police. Under this mechanism, Nepal police have nominated focal points within organisations and upon requests from such focal points ISPs must provide operational data to the police. However, it is not clear what kind of data constitutes 'operational data', who has access to such data, how long such data will be stored by the agency obtaining it and how such data will be destroyed.

Service providers said that Nepal Police often approaches them for Internet surveillance in the course of crime investigations. No case of such surveillance against journalists was mentioned by the key informants from ISP sector.

5.3 Internet, IT and telecoms companies report transparently and periodically on items 5.1 and 5.2 above.

No such practice exists.

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131 Martin Chautari (2015), p. 9.
132 Internet Society Nepal (2012), p. 45-46.

5.4 Internet, IT and telecoms companies have data-protection policies that entitle clients to track any third party engagement with their data.

No such policy exists.

5.5 Internet, IT and telecoms companies have a policy to inform their users about data requests by government agencies.

Internet, IT and telecoms companies do not inform their users about data request by government agencies.

Thus, journalists' safety in digital communications cannot be considered being sufficiently ensured by individual journalists, media actors and intermediary entities.

Category E

The roles and response of the UN system and other extra-national actors with presence within the country

Key Indicators

1. UN WITHIN THE COUNTRY MONITORS JOURNALISTS' SAFETY ISSUES AND SHARES INFORMATION

1.1   UN system at national level maps relevant instruments, actions and actors, and establishes partnership and communication channels with specialized monitoring organisations (such as in-country International Federation of Journalists (IFJ) and International Freedom of Expression Exchange (IFEX) members).

1.2   UN system supports specific projects and activities on building and reinforcing the capacity to monitor and assess safety.

1.3   UN system at national level has a relevant awareness raising strategy and makes statements about killings of journalists.

1.4   UN system at national level publishes information about journalists' safety issues and makes this available in the key national languages.

1.5   UN system organisations at in-country level promote the existence and scope of relevant normative standards.

1.6   Promotion takes cognizance of the fact that women journalists may be subject to specific sexual harassment and violence.

1.7   UN system at national level requests information from the State about the safety of journalists and the issue of impunity.

1.8   UN system at national level makes available information on journalists' safety and impunity to the UN at global level.

2. UN SYSTEM WITHIN THE COUNTRY IMPLEMENTS EFFECTIVE CO-ORDINATION AND RESPONSES TO SAFETY INCIDENTS AND PROBLEMS

2.1   UN system organisations have joint, complementary and co-ordinated activities in support of the safety of journalists as per the UN Action Plan.

2.2   UN system encourages multi-stakeholder co-operation with non-UN actors on safety and impunity, and contributes to formulation of national strategies.

2.3   Safety of journalists issues are reflected in the UN Development Assistance Frameworks and other country programming documents, and are discussed within UN Country Teams including both resident and non–resident agencies.

2.4   UN system organisations [at the national level] integrate journalism safety into areas in where they work such as the rule of law, environmental protection, sustainable development, etc.

3.   UN WITHIN THE COUNTRY BUILDS KNOWLEDGE AND CAPACITY

3.1   UN system promotes safety issues in contacts with local stakeholders, disseminates knowledge of relevant good practices and encourages local adaptation.

3.2   UN system organisations provide advice and capacity building to stakeholders on issues such as the treatment of journalists; investigation of crimes against journalists; and prosecution and protection measures.

3.3   UN system organisations at national level have, or fundraise for, specific budgets for their safety activities.

3.4   UN organisations provide safety training to journalists such as on reporting in conflict zones, legal rights, self-protection techniques, first aid, etc. and assist with provision of safety equipment.

3.5   UN system has a rapid response mechanism at the national level to assist journalists who are attacked or are under threat.

4.   WITHIN THE COUNTRY, OTHER INTERNATIONAL INTERGOVERNMENTAL AND NON-GOVERNMENTAL AGENCIES PROMOTE SAFETY OF JOURNALISTS

4.1   These international actors within the country monitor journalists' safety issues and share information

4.2   These international actors promote co-ordinated approaches to safety issues

4.3   The international actors within the country build knowledge and capacity

Category E
The roles and response of the UN system and other extra-national actors with presence within the country

1. UN within the country monitors journalists' safety issues and shares information

1.1 UN system at national level maps relevant instruments, actions and actors, and establishes partnership and communication channels with specialized monitoring organisations (such as in-country IFJ and IFEX members).

Within the UN system in Nepal, programmes and activities on freedom of expression and press freedom are anchored at UNESCO Kathmandu. Of the UN agencies, UNESCO has the specialised mandate to promote freedom expression and press freedom. The safety of journalists and the issue of impunity comprise crucial components in UNESCO fulfilling its mandate. It has been playing a significant and expanding role in promoting journalists' safety in Nepal. Since the establishment of UNESCO Office in Kathmandu in 1998, it has been working as a significant programme and advocacy agency in UNESCO's field of competence.

Working closely with national partners, the UNESCO Office in Kathmandu supports in building the capacity of journalists, conducting researches, creating awareness and sensitizing stakeholders on UN Plan of Action on the Safety of Journalists, supporting community multimedia centres and community radios, promoting press freedom and the right to information, and fostering access to information and knowledge. Though it does not have particular mechanism assigned for monitoring of, and/or response to, media rights violations in Nepal, the Communication and Information Unit of the office keeps on tracking such issues. It has been active in sharing information about journalists' safety issues. In this background, it can be said that UN system at national level has been engaged in mapping relevant instruments, actions and actors. It establishes partnership and communication channels with specialized monitoring organisations such as FNJ and Freedom Forum.

1.2 UN system supports specific projects and activities on building and reinforcing the capacity to monitor and assess safety.

It has supported some specific projects and activities on building and reinforcing the capacity to monitor and assess safety. For instance, the UNESCO/UNPFN project 'Increasing the Safety of Journalists' supported activities on building and reinforcing the capacity to monitor and assess safety. A dedicated website http://journosafenepal.org/ for monitoring the safety status of journalists is also supported by the same project.

1.3 UN system at national level has a relevant awareness raising strategy and makes statements about killings of journalists.

The UNESCO Office in Kathmandu promotes freedom of expression and press freedom as a basic human right through sensitising and monitoring activities. It also undertakes advocacy with government and civil society and through issuance of press statements on various pressing issues such as freedom of expression, press freedom and impunity of violence against journalists. It has made statements about killings of journalists, when such incidents happened.

1.4 UN system at national level publishes information about journalists' safety issues and makes this available in the key national languages.

As the focal UN agency in Nepal dealing with freedom of expression issues, UNESCO takes notice on violations of media freedom but does not share these with the larger public in any detail or with regularity in key national languages. Meanwhile, occasionally it has published some publications in Nepali, including a study report on impunity in Nepal with special reference to freedom of expression and journalists' safety[133] and handbook for women journalists[134].

1.5 UN system organisations at in-country level promote the existence and scope of relevant normative standards.

UNESCO has been engaged in promoting the existence and scope of relevant normative standards. It does so by sensitising the relevant stakeholders, by supporting to build capacity and knowledge, and also by engaging in open dialogues, interactions, workshops, and seminars.

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133 Adhikary and Pant (2015).
134 The handbook is available at: http://unesdoc.unesco.org/images/0024/002437/243703NEP.pdf.

1.6   Promotion takes cognisance of the fact that women journalists may be subject to specific sexual harassment and violence.

Various activities and publications show that there is cognisance of the fact that women journalists may be subject to specific sexual harassment and violence. For instance, an important element of the UNESCO/UNPFN project 'Increasing the Safety of Journalists' was to address the specific security needs of women journalists. It put strong emphasis on women's issues by conducting training especially designed for women journalists and developing a handbook on their professional difficulties when it comes to personal safety.

1.7   UN system at national level requests information from the State about the safety of journalists and the issue of impunity.

A recent report[135] mentions that UNESCO has been requesting information from Nepal about the safety of journalists and the issue of impunity periodically. However, the request is at global level.

1.8   UN system at national level makes available information on journalists' safety and impunity to the UN at global level.

UNESCO has been making available information on journalists' safety and impunity to the UN at global level. For instance, the UNESCO Office in Kathmandu in collaboration with local stakeholders provides information to its headquarters to contribute to the Universal Periodic Review, a process led by the UN Human Rights Council to survey the state of human rights (including freedom of expression in general and press freedom in particular) across the world.

Thus, the UN system within Nepal has been playing significant role to monitor and share information about journalists' safety issues.

2. UN system within the country implements effective co-ordination and responses to safety incidents and problems

2.1   UN system organisations have joint, complementary and co-ordinated activity in support of the safety of journalists as per the UN Action Plan.

Nepal is among four countries identified for the first-phase roll out of the 'UN Plan of Action on the Safety of Journalists and Issue of Impunity'. The *UN Plan of Action* includes strengthening UN mechanisms, cooperating with member states, partnering with organisations and

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135 UNESCO (2014a), pp. 18-19.

institutions, raising awareness and fostering safety initiatives. It also emphasizes partnering with UN agencies and other intergovernmental organisations, partnership between the UN and civil society organisations and professional associations including journalist organisations.

Working with professional journalists' associations, international media rights organizations, human rights organisations and security and judicial bodies, the UN Action Plan project in Nepal aims to establish a nationally owned independent mechanism to provide an appropriate framework to tackle the issue of journalists' safety and impunity. As a complementary action, the Plan will also build capacity of security and judicial agencies to play their role to protect journalists and sensitize political groups and the general public on the importance of freedom of expression. Another important element of the project is building the capacity of male and female journalists to better protect themselves. The project is being managed by the UNESCO Office in Kathmandu. The project consists of partnership with the MoIC and the NHRC Nepal and many other organisations working for human rights and media development.

UN Peacebuilding Fund financed in 2013-2015 a project in this respect, called 'Increasing the safety of journalists'. The project, which was carried out by the UNESCO office in Kathmandu, positively contributed towards creating awareness among the judiciary and security sector institutions in identifying their roles in addressing impunity. In addition, the PCN has now reviewed its existing Code of Conduct for Journalists, and the NHRC has endorsed the issue in the five years strategic planning for establishing an independent nationally owned mechanism to address the issues of impunity and increasing the safety of journalists. Journalists themselves, including about 200 women journalists, were trained in safety matters as a part of the project. Also media organizations were sensitized to the issue.

2.2   UN system encourages multi-stakeholder co-operation with non-UN actors on safety and impunity, and contributes to formulation of national strategies.

UNESCO has been encouraging multi-stakeholder co-operation with non-UN actors on safety and impunity, and contributes to formulation of national strategies. Nepal International Media Partnership (NIMP) is an example in this regard. NIMP comprises 15 organisations including UNESCO and other international organisations such as global media associations, freedom expression groups, and media development organisations. Recently, NIMP travelled to Nepal from 19 to 23 April 2015, which was its eighth visit since July 2005.[136]

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136 Nepal International Media Partnership (2015).

2.3 Safety of journalists issues are reflected in the UN Development Assistance Frameworks and other country programming documents, and are discussed within UN Country Teams including both resident and non-resident agencies.

As the strategic programme framework, the UN Development Assistance Frameworks (UNDAF) describes the UN system's collective response to national development priorities. The current UNDAF (2013-2017) for Nepal[137] takes particular account of Nepal's post-conflict, transitional context. However, there is no explicit reflection of safety of journalists' issues in the document. Other country programming documents do not address journalists' safety issues either. In fact, this issue appears to be considered the sole responsibility of UNESCO and hence the issue does not seem to get much priority among other UN agencies.

2.4 UN system organisations [at the national level] integrate journalism safety into areas in where they work such as the rule of law, environmental protection, sustainable development, etc.

UN system organisations (at the national level) have not been integrating journalism safety into areas in where they work such as the rule of law, environmental protection, sustainable development, etc. Rather, it has been treated as an isolated, specialized issue, and has been addressed by particular project 'Increasing the Safety of Journalists' funded by UNPFN.

Thus, journalists' safety issue has been treated as UNESCO's responsibility and other organisations in UN system are yet to give pertinent focus on it. However, with the implementation of UN Action Plan, it is expected that the UN system within Nepal will have more effective co-ordination and responses to safety incidents and problems.

3. UN within the country builds knowledge and capacity

3.1 UN system promotes safety issues in contacts with local stakeholders, disseminates knowledge of relevant good practices and encourages local adaptation.

UNESCO has been promoting safety issues in Nepal. However, it is yet to pay sufficient attention to disseminate knowledge of relevant good practices and encourage local adaptation.

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137 Government of Nepal and United Nations Country Team Nepal (2012).

3.2 UN system organisations provide advice and capacity building to stakeholders on issues such as the treatment of journalists; investigation of crimes against journalists; and prosecution and protection measures.

Though not sufficiently, UNESCO has been providing advice and capacity building to stakeholders on issues such as the treatment of journalists; investigation of crimes against journalists; and prosecution and protection measures. For instance, under the UNESCO/UNPFN project 'Increasing the Safety of Journalists' trainings were provided to the members of the judiciary and security sector institutions to enable them to sufficiently protect journalists and to enhance legal action in cases of violence against journalists. It also focused on dialogue with key actors in the judicial and executive sector on a national, district and local level.

3.3 UN system organisations at national level have, or fundraise, specific budgets for their safety activities.

UNESCO has specific budgets to conduct a range of activities that contribute to an environment conducive to the safe exercise of freedom expression and press freedom, such as the World Press Freedom Day celebration on 3 May of each year. UNESCO also arranges extra-budgetary funding for safety activities. For instance, UNESCO received additional funding (USD 566,000) from the UN Peace Fund to support the project 'Increasing the Security of Journalists' which was implemented from 2013-2015.[138] An EU-supported Right to Information project is another extra-budgetary project currently in operation. Additional work on the safety of journalists in Nepal has been promoted through grants provided by the Bureau of UNESCO's IPDC. In 2014 and 2015, a total of four projects (two in each year) were approved by IPDC for Nepal. Total budget approved for the four projects was USD 65,000. The projects are focused on addressing impunity, basic journalism training, training for marginalised communities, training on gender and media, and community radio self-regulation mechanism.

3.4 UN organisations provide safety training to journalists such as on reporting in conflict zones, legal rights, self-protection techniques, first aid, etc. and assist with provision of safety equipment.

UNESCO's pioneering role to provide training to Nepali journalists has been acknowledged.[139] In recent years, it has been providing safety training to journalists. Journalists mentioned that UNESCO had provided some training on safety. The UNESCO/UNPFN project 'Training women

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138 UNESCO (2014a), p. 6.
139 Humagain, Parajuli, Maharjan, and Panthi (2010), pp. 115-116.

journalists in the Terai' and UNESCO's collaboration with Freedom Forum to run a project 'Fostering the Safety of Journalists through Training' are noteworthy here.

3.5   UN system has a rapid response mechanism at the national level to assist journalists who are attacked or are under threat.

The UN system within Nepal does not have its own rapid response mechanism at the national level to assist journalists who are attacked or are under threat. However, it has been collaborating with different stakeholders such CSOs and FNJ in this regard. Meanwhile, the UNESCO/UNPFN project 'Increasing the Safety of Journalists' aimed at creating an independent Rapid Intervention Task Force (RITF) to ensure a timely response to potential media rights violations.

Thus, the UN system within Nepal has been contributing to build knowledge and capacity of journalists.

4. Within the country, other international intergovernmental and non-governmental agencies promote safety of journalists

4.i   One or more relevant regional intergovernmental organisations promote safety issues in the country.

A number of international organisations are working in Nepal to promote safety issues in the country. As a study[140] observes, the media environment of Nepal has been concern of international community too. For instance, since 2002 a group of international organisations and actors has been working for advocating for media freedom and protection of journalists in Nepal. Originally known as International Media Mission to Nepal (International Mission for Press Freedom and Free Expression in Nepal) – IMMN, it was renamed as Nepal International Media Partnership – NIMP.

The above mentioned study identifies two international organisations – Reporters without Borders (RSF) and IPI – that are directly working for monitoring of, and/or response to, media rights violations in Nepal. The monitoring of RSF in Nepal is significant since the information is used in order to rank the country in World Press Freedom Index. Direct functioning of international organisations' local correspondent or staff, such as in case of RSF, IPI and PANOS South Asia, as opposed to others that seek to assess Nepal's condition from outside, such as in case of CPJ, increases chance of more comprehensive monitoring of media rights issues.

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140 Adhikary (2014b), p. 12.

AMARC Asia-Pacific Regional Office in Kathmandu does not have a special unit or desk to monitor media rights violations, but it generally follows attacks against community stations and broadcasters. The CPJ informed that though it does not have any office in Nepal it has deputed a Nepal expert based in London. IFJ works in collaboration with national organisations like FNJ and Nepal Press Union.

4.ii   International NGOs support local efforts to promote safety.

The organisations have been supporting local efforts to promote safety. For example, International Alert collaborated with FNJ and Equal Access on journalists' safety and reporting in conflict sensitive ways. Likewise, Article 19 collaborated with FNJ and Freedom Forum for the promotion of right to freedom of expression. IFJ has collaborated in a number of projects with FNJ. Generally, FNJ's lead role is recognised by virtually all organisations working for journalists' safety.

4.1   These international actors within the country monitor and share information about journalists' safety issues

4.1.1 At national level, they map relevant instruments, actions and actors.

The international actors have been engaged in promoting journalists' safety in Nepal directly or indirectly. In most cases, they work through or in collaboration with their partner organisations in Nepal. As such, they have some role in mapping relevant instruments, actions and actors at national level.

4.1.2 They have a relevant communication strategy and make statements about killings of/attacks on journalists.

Various international actors such as IFJ, CPJ, RSF, including others, have made statements about killings of/attacks on journalists in case of such incidents. Such communication takes place through their head offices, when needed, but not locally.

4.1.3 They publish information about safety of journalists and the issue of impunity, and make them available in the key national languages.

Various international actors such as IFEX, IFJ, CPJ, RSF, including others, publish information about safety of journalists and the issue of impunity in Nepal. However, such activities take place through their head offices, when needed, but not locally. And, such information is generally published in English and not made available in national languages.

4.1.4 They promote the existence and scope of relevant normative standards.

The international actors have been more concerned with monitoring and advocacy aspects, and promoting the existence and scope of relevant normative standards does not seem a priority.

4.1.5 They make available information on journalists' safety and impunity to the UN at global level.

Their role in making available information on journalists' safety and impunity to the UN at global level has been significant.

4.2 These international actors promote co-ordinated approaches to safety issues

4.2.1 They have focal points who communicate with each other on a periodic basis.

There are no formal focal points to communicate with each other on a periodic basis. However, the absence of such focal points does not mean that there is less communication as the international actors have been communicating with each other as per need.

4.2.2 They have joint, complementary and co-ordinated activity with the UN, and other non-UN actors including the State, in regard to journalists' safety issues.

At times, there have been instances when the international actors have joint, complementary and co-ordinated activity with the UN, and other non-UN actors in regard to journalists' safety issues. However, mostly they have been collaborating more with journalists' unions/ associations and NGOs than the State in this regard.

4.2.3 They contribute to the formulation of national strategies.

Different international actors have been contributing (directly or indirectly) to the formulation of national strategies. For instance, since 2005, the International Media Mission, now NIMP, comprising 15 organisations including UNESCO, has been providing assessments of the situation on the ground and recommendations to improve press freedom including safety of journalists. The 2012 mission to Nepal analysed the constitutional proposals and made submissions to leaders of political parties and the chairperson of the Constituent Assembly (CA). This was also done in 2015.

Thus, there seems co-ordinated approach to journalists' safety issues.

4.3 The international actors within the country build knowledge and capacity

4.3.1 These actors disseminate knowledge of relevant good practices and encourage local adaptation.

Some international actors have been involved in disseminating knowledge of relevant good practices. However, a local adaptation initiative is missing.

4.3.2 These actors provide advice and capacity building to stakeholders on issues such as: the treatment of journalists; investigation of crimes against journalists; and prosecution and protection measures.

They have been contributing to build capacity of different stakeholders on the importance of journalists' safety and related issues. However, providing capacity building to stakeholders on specific issues, such as the treatment of journalists, investigation of crimes against journalists, and prosecution and protection measures, is yet to get due priority.

4.3.3 They have, or fundraise for, specific budgets for their safety activities.

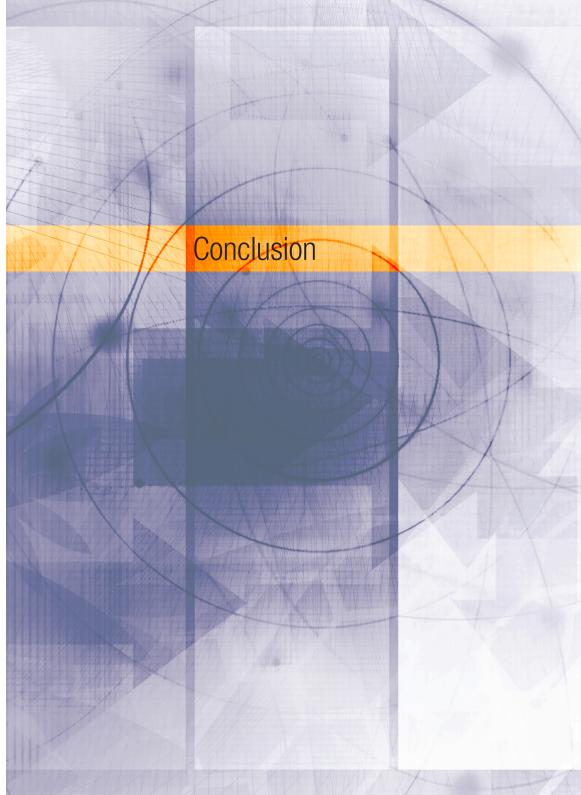This sub-indicator is not covered in the present study.

4.3.4 These actors provide safety training to journalists such as on reporting in conflict zones, legal rights, self-protection techniques, first aid, etc. and assist with provision of safety equipment.

These actors have been engaged either in providing training or in extending financial assistance to conduct training. Since most of the trainings have been conducted in isolated and uncoordinated ad-hoc manner, they have yielded little results. As Professor P. Kharel observes, in comparison to their financial assistance for training to journalists, the result has not been satisfactory.[141] Meanwhile, providing safety training to journalists such as on reporting in conflict zones, legal rights, self-protection techniques, first aid, etc. and assisting with provision of safety equipment are yet to get due priority. Nevertheless, some international organisations have provided training related to the safety and security of the journalists.

4.3.5 They operate or participate in a joint rapid response mechanism at the national level and/or international level/s.

There is no formal mechanism particularly dedicated to any joint response mechanism at the national level and/or international level/s. However, there have been instances when international organisations have participated in joint rapid response activities. For instance,

141 Kharel (2007).

during the period of armed conflict in Nepal, national and international organisations joined hands to rescue some journalists from their districts when an imminent danger was perceived. In some cases, the journalists were taken to places of refuge or safe houses in Kathmandu.

Thus, international actors have been playing important role, directly or indirectly, to monitor and share information about journalists' safety issues, promote co-ordinated approaches to safety issues and build knowledge and capacity of journalists. Many stakeholders during interview and focus group discussion conducted for the present study said that these international actors have paid less attention in recent years than earlier. Those having such observations assume that the perceived improvement of journalists' safety due to a decline in reported incidents of attacks and threats against journalists might have increased confidence among the international actors that the problem is not as crucial as earlier, or these groups might have diverted their attention to other countries.

Conclusion

Conclusion

The present study provides an overview of media environment in Nepal, with special reference to the existing legal regime pertaining to media and current professional status in the country, followed by an assessment of journalists' safety from JSI perspective. Its findings can be summarized as following:

General Overview of Media Environment in Nepal

- Nepal's laws remain ambivalent when analysed from the perspective of journalists' safety. On the one hand, just as the constitution articulates 'negative obligations' to the State to refrain from violating the rights, Nepali laws are not repressive, and they generally do not pose a manifest threat to journalists. On the other hand, the domestic laws do not have 'positive obligations' to the State to protect journalists and to ensure enjoyment of the rights, and there is chance of imposing restrictions under vague terminology.

- There is a huge growth in terms of quantity in the media sector. With few exceptions, media houses are known for their apathy towards, or even defiance of, legal provisions about professional safety of journalists and other media workers. Stakeholders criticise media houses for neglecting capacity building of journalists in regard to safety, and not caring to provide sufficient safety equipment.

- Journalism remains professionally weak and economically insecure, and the journalists are in a vulnerable condition in terms of physical and psychological safety. Low wages and irregular payments have been identified as factors that underlie and exacerbate many of the threats professional journalists faced. Journalists perceive that they are prone to be victimised by both State and non-State actors, and the prolonged political transition has further complicated their security situation.

- Women journalists are more vulnerable than their male colleagues in terms of professional as well as psychological and physical safety. It is widely acknowledged that women journalists have been facing various problems including exclusion, glass ceiling, gender pay gap, and harassment, and they are more vulnerable than their male counterparts. They are particularly at risk from sexual harassment even within media organisations.

Assessment from JSIs Perspective

Overview of the situation of journalists' safety in the country

- Generally, it is considered that the safety of journalists has much improved. Despite a decline in recorded incidents of press freedom violations and despite general agreement about improved situation of journalists' safety, many journalists still feel insecure.

- Impunity has been a very serious concern of the stakeholders addressing journalists' safety in Nepal. A number of journalists are losing their faith in State agencies, including the criminal and civil justice system. Prevailing impunity in Nepal poses serious concern with regard to freedom of expression and press freedom as journalists are practising self-censorship due to impunity.

- Journalists' safety is becoming an agenda of national interest among stakeholder groups even though a common understanding of the stakeholders on the issue is yet to emerge. Until the time of finalising this report, there was no institutional mechanism for shared activities. Nevertheless, stakeholders have been collaborating in various respects. Meanwhile, a national strategy to identify targets and role-players responsible for journalist safety issues still needs to be developed.

- The stakeholders have quite contrasting views on journalists' safety in Nepal. On the one hand, some argue that physical safety is no longer a big problem in contemporary Nepal. They argue that professional safety of journalists is the primary issue to be addressed, claiming that the physical insecurity is just the aftermath of unprofessional working environment and unethical practices. On the other hand, others argue that physical and psychological safety issues are still dominant and it has become more complex.

The roles and response of the State and other political actors

- There is no specific law that deals exclusively with protecting the physical and psychological safety of journalists in Nepal, whereas there is specific law, the Working Journalists Act, pertaining to their professional safety. However, it is yet to be effectively implemented. Ensuring safety for journalists has not been satisfactory despite domestic and international legal provisions, policy statements, and government's commitments in this regard. Citizen journalists are more prone to be victimised by such prospective misuses.

- The State has been quite active in giving normative statements, but its performance has not been in congruence with that of policies and institutional frameworks to safeguard the importance of journalists' safety.

- The criminal and civil justice system in Nepal has not been effective beyond a limited number of cases to deal with threats and acts of violence against journalists. This is perceived by the stakeholders as being due to the State's institutional weakness and, in some cases, its failure to mobilise law enforcement authorities, as well as journalists' apathy or failure to employ pertinent legal procedures.

- There is no specific State mechanism or unit particularly assigned for updating and publishing the updated data about attacks on journalists and impunity in Nepal. There is no specific legal provision and policy statement for the protection of those who represent sources of information for journalists and human rights defenders either. The State's obligation to protect its citizens also applies in this context as well.

- The State institutions and agencies have been consulting human rights/ other relevant organisations when pertinent issues are concerned. Though the issue of journalists' safety in general is gaining some consideration it is yet to sensitize the State in specialized issues of women journalists' safety. Specific legal provisions and policies and clear guidelines are yet to be discerned with regard to electronic surveillance too.

- Nepal has failed to respond to UNESCO Director-General's requests for information.

- Until the date of finalising this report, the State does not have formal measures and institutional mechanism to support and compensate families of murdered journalists.

- NHRC has the legal authority to protect human rights across the board, including instances of freedom expression violations. It can conduct investigations and recommend action. This entails legal protection in regard to the safety of journalists, including community media and citizen journalists. However, at the time of writing the NHRC is yet to be effective for the promotion of journalists' safety.

The roles and response of CSOs and academia

- Some CSOs in Nepal have been involved in monitoring and sharing information about journalists' safety issues, generally approaching it as the part of human rights. In case of academia, they have not been involved in monitoring of journalists' safety.

- National CSOs have been promoting co-ordinated approaches to safety issues. Generally, they do not have resources specifically dedicated to work on safety issues, and heavily depend on donor support and they lack sustainable resources. The CSOs have been lobbying national and international institutions for further action. There are instances when they have been cooperating effectively with state, legislative bodies, UN and others in contributing to law and policy making.

- The number of academic institutions providing journalism education is increasing. CSOs and academia have been contributing to build knowledge and capacity. Whereas their role in imparting general professional skills has been quite significant, they are yet to contribute in that manner in the context of journalists' safety in particular.

The roles and response of media actors and intermediaries

- The apathy of media houses on safety issues is quite visible. These media organisations have not been adopting specific measures to protect the safety of journalists. Nearly half of the journalists do not have any appointment letter/contract from their employers.

- Journalists' unions/associations and professional organisations in Nepal are actively working to monitor safety issues and advocate to employers and authorities. However, they are yet to internalise the need of a multi-stakeholder approach to promote journalists' safety more broadly. They are also engaged in providing training, but yet to focus on stress counselling to journalists. There are some organisations that work specifically for women journalists.

- The familiarity and use of Internet by journalists is increasing with the rise in accessibility and emphasis on digital literacy among them. Even though there is significant development with regard to digital literacy among the journalists, they do not seem much aware of protection measures in digital communication. They have vaguely heard about digital dangers, but they have not thought much about the protection measures. Employers and others have not paid sufficient attention to provide software, equipment and training that enable journalists to protect communications.

- The media community in Nepal has been quite active in coverage of the issues of safety and impunity. It is not afraid to report on those issues as matters of public interest, and recognises the common interests with community media as well. But, citizen journalists are generally excluded from the media fraternity. Media actors act as a community advocate for these issues. They have been working with non-media stakeholders

for the promotion of journalists' safety though without any coordinated mechanism.

■ Internet, IT and telecom companies in Nepal claim that they have been employing latest and best available technology, but they do not have specific policy to protect journalists' data from hackers. They claim that the provisions made for general customers are enough in this regard. Internet, IT and telecoms companies are yet to have clear, transparent and proportionate policies on privacy as regards releasing private data to law-enforcement authorities and others. They do not inform their users about data requests by government agencies.

The roles and response of the UN & Other International Organisations Addressing Safety and the Issue of Impunity

■ Especially through UNESCO, the UN system within Nepal has been playing significant role to monitor and share information about journalists' safety issues though there is room for improvement. For instance, the project 'Increasing the Safety for Journalists' supported by the UNPFN has contributed significantly.

■ Through the 'UN Plan of Action on the Safety of Journalists and Issue of Impunity', UN system within Nepal is expected to implement effective co-ordination and responses to safety incidents and problems. Until the time of finalising this report, journalists' safety issue has been treated as UNESCO's sole responsibility and other organisations in UN system are yet to give pertinent focus on it. For instance, safety of journalists issues are yet to be reflected in the UNDAF and other country programming documents, and to be integrated into other areas in which the UN system works, such as the rule of law, environmental protection, sustainable development, etc.

■ UNESCO has played a pioneering role to provide training to Nepali journalists and it has been contributing to build knowledge and capacity of journalists. Meanwhile, more effort is required to disseminate knowledge of relevant good practices and encourage local adaptation.

■ A number of international organisations are working in Nepal to promote safety issues in the country. The organisations have been supporting local efforts to promote safety. They have been playing an important role, directly or indirectly, to monitor and share information about journalists' safety issues, promote co-ordinated approaches to safety issues and build knowledge and capacity of journalists. Notwithstanding their contribution for information dissemination and advocacy, there are gaps with regard to practical aspects of safety. Meanwhile, many stakeholders perceive that

the international actors have started paying less attention to journalists' safety issues in Nepal than before.

From the above findings, following two major and most crucial problems in regard to journalists' safety in Nepal become evident:

- Insecurity of journalists is deeply rooted to the shortfall by major stakeholders to fulfil their roles and responsibilities to ensure safety.
- The lack of systematic, cumulative and sustainable instruments/ mechanisms (including updated and specific laws, policies, institutions, programmes, budgets, etc.) dedicated to journalists' safety.

The study shows that the State institutions and political actors, CSOs and academia, and media actors and intermediaries, as well as the UN system and other international actors have fallen short to fulfil their roles and responsibilities in regard to journalists' safety. For instance, notwithstanding the democratic constitutional and legal principles, the State and other political actors have not been able to put proactive measures in place beyond the establishment of NHRC. Consequently, the provisions of domestic and international laws and the statements and commitments expressed by State actors have not been truly effective to ensure journalists' safety in reality. The State agencies have not effectively implemented the existing provisions, policies and programs. In some cases, the existing institutional frameworks are insufficient, and the existing institutions and mechanisms have not been effective and efficient enough to protect the journalists and punish the perpetrators. The State institutions and political actors are the most responsible stakeholders in case of impunity of the crimes against journalists.

The academia is yet to realise its role and responsibility to promote journalists' safety. CSOs have certainly played a significant role in promoting journalists' safety, but in an ad-hoc manner. There are no systematic, cumulative and sustainable mechanisms in regard to journalists' safety. CSO's effectiveness is mostly limited to monitoring, information and advocacy, and practical support initiatives are mostly non-existent currently.

Journalism's professionally weak and economically insecure situation, besides psychological and physical insecurity of the journalists, also owes to the roles and responsibilities of the media actors, including media organisations, journalists' unions/associations and professional bodies, and individual journalists, too. The most problematic aspects in this regard include media organisations' failure to ensure professional safety, lack of proper communication, trust and co-ordination among media houses and journalists' unions/associations and professional bodies, and lack of professionalism among the journalists. The role of intermediary entities, such as Internet, IT and telecoms, has increased with growing digital dangers and challenges.

In case of UN system within Nepal, limiting the responsibility of journalists' safety issues to UNESCO only, and failing to reflect these issues in the UNDAF and other country programming

documents, and not integrating journalism safety in other works of UN system organisations are some evident weaknesses. In case of other international actors, what has been mentioned in case of CSOs is applicable. In brief, they have also fallen short of developing systematic, cumulative and sustainable mechanisms to promote safety of journalists.

The present study has detected gaps in existing laws, policies, and institutional frameworks as well as weaknesses of criminal and civil justice systems. It also sheds light on the fact that the State has not taken other effective measures in regard to journalists' safety. Likewise, it also identifies gaps with regard to roles and response of CSOs and academia, media actors and intermediaries, and the UN and other international actors. However, the present study does not go into a thorough analysis of particular laws and policies to provide detailed recommendations to update, enhance or replace them; neither does it present an assessment of the institutional frameworks and the works and activities of State institutions in particular. In case of other stakeholder groups too, it has employed a generalist approach, and hence is limited to an assessment of overall perception of their roles and response with regard to journalists' safety in Nepal.

Further analysis of Nepal's media safety landscape for journalists shows that, despite the decrease in the reported cases of violence against and threats to journalists, and also despite general agreement about improved situation of journalists' security, the safety of journalists and the issue of impunity are still critical issues to address. This is further substantiated by many journalists still feeling insecure, and self-censorship, mostly due to impunity, being a living reality.

Against this background, it is pertinent to emphasise the importance of sensitising major stakeholder groups for evaluation and revision of their roles and responsibilities. It is also pertinent to make the authorities accountable for their duties with regard to journalists' safety and impunity issues. Media organisations need to take up protection for their employees and their freelancers. It is equally important to update existing laws and policies and/or enact new specific ones to address journalists' safety and adapt with the context of digital era. It is also crucial to ensure pertinent and adequate institutions, programmes and budgets, and strengthen existing institutions to enhance their effectiveness. There needs to be more emphasis on systematic (not ad-hoc) collaborations and co-ordination among major stakeholders to formulate the required policies and strategies to address gaps detected in order to promote safety. It means that the safety of journalists and the issue of impunity requires proactive, systematic and cumulative treatment in a sustainable manner with a multi-stakeholder approach in practice.

Appendices

Appendix I: Research Design

Analytical Framework

UNESCO's *Journalists' Safety Indicators: National Level*[142] (JSI) consists five main indicator categories. It first mentions general indicators for overview of the situation of journalists' safety in the country followed by indicators with regard to State institutions and political actors, CSOs and academia, media actors and intermediaries, and UN and other international organisations addressing safety and the issue of impunity.

Firstly, it includes safety and impunity statistics and shared understandings and activities as two general indicators in order to assess the situation of journalists' safety in the country. The first general indicator requires the availability of pertinent data on various aspects of journalists' safety such as threats against the lives and the limbs of journalists and other threats to them, actual attacks on and killings of journalists, threats and attacks against media institutions. The second general indicator emphasizes an accurate understanding amongst stakeholders about the extent and nature of the problems, and includes various activities to promote the safety of journalists.

Considering the responsibility for the protection of journalists to be primarily that of the state, the key indicators with regard to state institutions and political actors require the state having laws which can protect journalists. The indicators also include appropriate normative statements, policies, and institutional frameworks that safeguard the importance of journalists' safety, and a criminal and civil justice system that deals effectively with threats and acts of violence against journalists. Besides, there are other effective measures in regard to journalists' safety that can be taken by the state. Publishing updated data about attacks on journalists and impunity, having measures to support and compensate families of murdered journalists and reporting to the appropriate UN agencies about journalists' safety situation are examples of such measures.

The JSI recognizes the importance of CSOs and academia for the promotion of journalists' safety. Monitoring of safety of journalists by the CSOs and academia, promotion of journalists' safety issues by national CSOs, and providing appropriate training and support for media workers by CSOs are included as key indicators in this regard.

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142 UNESCO (2013b). The JSI indicators have been revised on 9 February 2015. The present report employs the revised indicators for the analysis of the national media safety landscape for journalists in Nepal.

Media actors and Internet intermediaries are considered as partly responsible for the safety of journalists. The key indicators here include adopting specific measures by media organisations to protect the safety of journalists; taking specific measures by journalists' unions and professional bodies to promote the safety of journalists; promoting safety by all media actors, including individual journalists, in digital communications; covering safety issues by journalists and journalists' safety being respected by intermediary entities.

Four key indicators are outlined for UN and other international organisations addressing safety and the issue of impunity. The first three indicators focus on the role of the UN system within the country to monitor and share information about journalists' safety issues, to implement effective co-ordination and responses to safety incidents and problems, and to build knowledge and capacity of stakeholders with regard to journalists' safety. Then, the fourth key indicator entails other international intergovernmental and non-governmental agencies within the country to promote safety of journalists.

Thus, the JSI provides the relevant standards that need to be in focus with regard to the journalists' safety issues. It not only identifies the responsibility of diverse actors at the national level, it also provides different courses of action that can be developed into a working framework. To create a safer environment for journalists, it aims to mobilize UN agencies and other stakeholders including UN Member States, regional intergovernmental human rights bodies, NGOs and media actors to work together.

The various indicators outlined in the JSI are instrumental for the assessment of journalists' safety in the country. Also, they provide guidelines for the actions of various stakeholders for the promotion of journalists' safety. In brief, monitoring safety issues, promoting norms on safety, coordination of all stakeholders and training and capacity-building programmes are in focus of the JSI.

The present study is organised according to the five indicator categories, key indicators and sub-indicators of JSI. As journalists' safety is a multidimensional concept involving various stakeholders and multiple issues, a multi-stakeholder approach to promote journalists' safety has been employed, thereby paying special attention to include insights from wide range of stakeholders.

Methodology

The present study employs the research methodology as envisioned by the JSI method and guidelines. In this course, UNESCO's Practical Guidebook[143] has been followed.

Methodologically, the present study employs mixed methods, and hence different techniques are used for conducting the research. As recommended by the Practical Guidebook, the assessment has been conducted through analysis of pre-existing published materials as

143 UNESCO (2015a).

well as new research-generated data from interactions with human sources. An emphasis has been given to bringing in a greater range of expertise by interviewing a wide range of stakeholders and relying on extensive documentary resources. A purposive sampling technique has been employed in order to ensure inclusion of pertinent stakeholders and appropriate study corpus.

The present report has used both primary and secondary data. Participation of various actors and institutions as outlined by the JSI was ensured during the study. The list of stakeholders includes authorities of State institutions and political actors, representing the executive, legislative and judiciary, and constitutional bodies, regulatory institutions, and representatives from CSOs and academia, media actors such as owners, managers, editors, representatives of journalists' unions/associations and professional bodies, intermediary entities, and individual journalists, and key informants representing international actors working in Nepal. Thus, no key stakeholder group has been left outside the enquiries. About 15 % of all informants were women, which is in congruence with the proportions of women amongst journalists and other related media professionals in Nepal.

The research team organised a national workshop (29 participants) on 20 February 2015 in which the participants were from State institutions (such as the Ministry of Information and Communications, National Human Rights Commission, and Press Council Nepal), CSOs, media industry and professional organisations of the journalists, and academia including others. On 1 April 2015, a mini focus group (5 participants) was conducted with the representatives of Internet service providers. On 15 April 2015, a focus group (8 participants) with the officials of Press Council Nepal was conducted. On 16 April 2015, an interaction programme was organised with the Federation of Nepali Journalists (FNJ) officials. All of these programmes were organised at Kathmandu. On 24 April 2015, an interaction program (28 participants) with journalists from various districts was organised at Hetauda.

Besides, as many as 136 key informants representing various stakeholder groups as outlined in the JSI were interviewed for the purpose of this study. A special attention was made to ensure inclusion of all the stakeholder groups in the sample of interviewees. The sample includes key informants from all the geographical regions – from Eastern to Far Western, and from Hill to the Terai. The key informants interviewed for the purpose of this study represent the State institutions and political actors, CSOs and academia, media and intermediaries and also UN and other international organisations.

Whereas the national workshop, focus group and mini focus group were facilitated by the lead researcher the interaction programs and interviews were conducted by the research assistants. During all modes of data collection, the participants/informants were provided with the details of JSI, and then briefed on the particular indicator sections they were expected to provide to the research team. The interviewees also were provided with the JSI, and then

asked to provide information from the indicator sections allocated to them. The information collected was recorded in the audio and/or written form.

After completion of basic data collection and preparation of a preliminary draft report, a national seminar (36 participants) was organized on 9 June 2015, in which the participants were from State agencies, CSOs, media, and academia including others. In the seminar, the research team shared the preliminary draft report with the participants, and their feedback was recorded. The research team again interviewed some of key informants in order to get more information as indicated by the participants of the seminar. Besides, the revised draft report was shared with some experts from different stakeholder groups before finalizing thereby ensuring maximum participation of the stakeholders in the study process.

For secondary data, relevant literature has been reviewed across various archival/documentary resources, and data provided by the Media Monitoring Unit of FNJ is also used. The study employs inductive reasoning for analysis and interpretation of qualitative data.

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Supporting Safety of Journalists

To be meaningful, press freedom requires that journalists do not fear attack for doing their work. Threats to the safety of those doing journalism amount to censorship by intimidation and force. The results are widespread self-censorship and a public that is deprived of the right to know. In this context, the Journalists' Safety Indicators have been developed, under the auspices of UNESCO's International Programme for the Development of Communication. They extend the broader Media Development Indicators, and provide a baseline against which changes in safety can be measured over time.

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