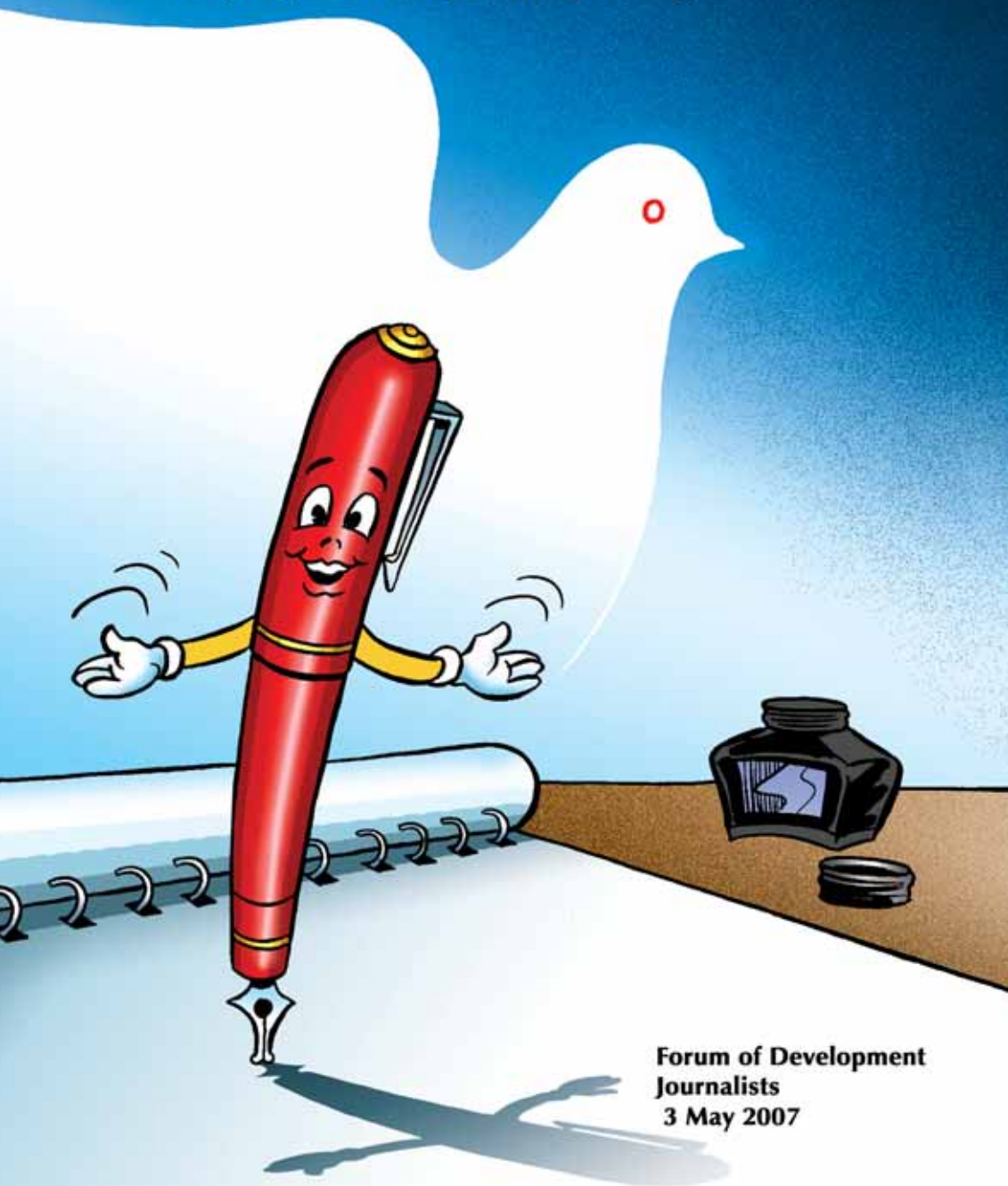


Testimonies from the Field

An Exploration of the State of Press Freedom in Nepal after the signing of the Comprehensive Peace Agreement



Forum of Development
Journalists
3 May 2007



This booklet was prepared by Forum of Development Journalists (FoDeJ) in relation to the World Press Freedom Day 2007 under the global theme Press Freedom, Safety of Journalists and Impunity.

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About the Booklet

This booklet contains stories and information collected from the field over a period of a few weeks in April 2007. We visited Ilam, Morang, Sunsari, Siraha, Saptari, Bardiya, Nepalgunj, Dhading and Kavrepalanchowk and organized individual and group discussions with local journalists to hear their views on press freedom, the safety of journalists, and impunity. In addition, we phoned journalists in other districts and used the same questionnaire as for our face to face interviews. This information was filled out with secondary sources. All the incidents reported in this publication occurred after the comprehensive peace agreement was signed between the Government of Nepal and CPN (Maoist) on 21 November 2006.

Motivated by the World Press Freedom Day, the rationale behind collecting such information was to undertake a 'reality check' of press freedom in post-conflict Nepal. This booklet aims to portray and illustrate our findings. We believe that the booklet will help to contextualize the slogan of World Press Freedom Day 2007, ~ Press Freedom, Safety of Journalists, and Impunity ~ to the current reality in Nepal.

All the statistics, incidents and opinions included in the publication are based on field research and are collected from different primary and secondary sources. The cases included in this publication are based on the personal experience of journalists working in various parts of the country outside Kathmandu Valley. Their names have been changed for their personal safety.

Forum of Development Journalists (FoDeJ)
30 April 2007

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Furthermore, our special thanks go to journalist Kosh Raj Koirala of The Kathmandu Post, who helped in writing and editing the document with great skill and care. Thanks are also due to Saroj Raj Adhikari of Nepal Weekly for editing the Nepali version of the booklet. We are indebted to Gopal Shubhechchhu and Raju Baral for their research and writing and Durga Mainali, Shyam Adhikari, Sita Niroula, Ram Bhattarai and Prateek Adhikari for their help in collecting secondary data. This booklet could not have been brought to this form had it not been for our district representatives and their timely coordination. We are also thankful to Dewendra Pandey who has skillfully illustrated the publication. Finally we would like to thank all our colleagues who enthusiastically shared their stories and provided us with primary information. We sincerely express our gratitude to all concerned organizations as well as our members and friends for their help in the course of undertaking of this task.

Arjun Bhattarai
President
Forum of Development Journalists (FODEJ)
25 April 2007

Foreword by UNESCO Kathmandu

The 2006 peace agreement has created a window of opportunity for change in the democracy framework in Nepal, including in the crucial area of freedom of press. The positive correlation between a free, pluralist and independent press and other vital aspects of a healthy society confirms that press freedom is imperative for the development of a democratic society. As observed by UNESCO Director-General Ko'icho Matsuura, "A free press is not a luxury that can wait for better times; rather, it is part of the very process through which those better times are achieved."

A UNESCO supported research seminar, held in Paris in June 2006, brought to light the strong link between press freedom and good governance. Political stability, government effectiveness, rule of law and corruption are all strongly and positively correlated with a high level of press freedom. This clearly demonstrates the importance of the watchdog function of the press. In addition, economic development and the fight against poverty improve when the press is free. Press freedom correlates well with public expenditures on health, life expectancy at birth and infant mortality rate. Finally, there is also a significant relation between press freedom and education. Press freedom furthers and enhances education, and education has an even stronger effect on free media. The more people are educated, the more they benefit from press freedom. Education at the same time increases the actions people take to defend press freedom.

The participants at the UNESCO conference on Support to Media in Violent Conflict and Countries in Transition in Belgrade, Serbia and Montenegro on World Press Freedom Day, 3 May 2004, unanimously declared that "Achieving democracy and enduring peace will depend upon respect for international human rights and, in particular, the right to freedom of expression as set out in Article 19 of the Universal Declaration of Human Rights" (Belgrade Declaration 2004).

Recalling UNESCO's mandate to "promote the free flow of ideas by word and image", the content of this publication helps to emphasize the urgent need for action to make the Nepalese press free and independent. It further stresses the need for greater efforts to help Nepali citizens enjoy full access to information. The incidents reported show a violation of the rights to liberty, integrity and security of the person, and also of the right to freedom of expression - all of which are fundamental human rights that are recognized and guaranteed by international conventions and instruments. I hope this timely initiative will contribute to raise awareness of the situation of press freedom in Nepal and encourage action to initiate and consolidate positive changes.



Hameed A. Hakeem
Officer in Charge, UNESCO
office in Kathmandu

Acronyms

APF	Armed Police Force
CPN	Communist Party of Nepal
CSO	Civil Society Organization
DDC	District Development Committee
DoI	Department of Information
FoDeJ	Forum of Development Journalists
FM	Frequency Modulation
FNJ	Federation of Nepalese Journalists
Govt	Government
HUREC	Human Rights and Environmental Education Centre
INSEC	Informal Sector Service Centre
JTMM	Janatantrik Terai Mukti Morcha
LDO	Local Development Officer
Mao	Maoist
MPRF	Madhesi People's Rights Forum
MTN	Madhesi Tiger Nepal
NDA	Nepal Defense Army
NTV	Nepal Television
PP	Political Parties
RSS	Rastriya Samachar Samiti
UG	Unidentified Group
UNESCO	United Nations Educational, Scientific and Cultural Organization
VDC	Village Development Committee
YCL	Young Communist League

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When the CPN (Maoist) waged the “People's War” in 1996 the newly developed media was faced with unparalleled hardship. The decade-long war did not only close the doors of all development possibilities but also caused destruction of infrastructure. Worse, this deprived people from enjoying basic civil and political right as the media sector became a target of all sides in the conflict. Many publication houses were closed while many others were vandalized. A large number of professional journalists were subject to severe psychological pressure, kidnapping and unwarranted arrests. Many media practitioners were displaced due to threats from the security forces and the Maoist guerilla.

Background

The frequent political changes in the country have created many changes in the field of media in Nepal. Nepal's people first earned their democratic rights in 1990, and up until this time the Government fully controlled and limited the media sector. There were only a few means of mass communication except the state-owned radio, television, and newspaper. However, the media sector flourished rapidly within a short span of time following the constitutional provision of a more liberal media policy. As a result, many professional print and electronic media emerged in Kathmandu as well as other parts of the country during the 1990's.

These media became popular within a short period, partly because it was still new to the people even in the late 20th century and in part because these media published and broadcast content that was relevant and interesting to the people. They also facilitated people's rights to information about domestic and international news and issues. The unprecedented development in mass media was also seen as an effect of globalization and the emerging concept of a free and impartial press.

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the "People's War" in 1996 the newly developed media was faced with unparalleled hardship. The decade-long war did not only close the doors of all development possibilities but also caused destruction of infrastructure. Worse, this deprived people from enjoying basic civil and political right as the media sector became a target

of all sides in the conflict. Many publication houses were closed while many others were vandalized. A large number of professional journalists were subject to severe psychological pressure, kidnapping and unwarranted arrests. Many media practitioners were displaced due to threats from the security forces and the Maoist guerilla.

The situation deteriorated after king Gyanendra dismissed the elected Government led by Sher Bahadur Deuba and seized absolute power of the country on 1 February 2005. The king imposed strict censorship on the media. Many media houses were forced to shut down while the Government strictly controlled radio, television, telephone, magazines, newspapers, online services, and other means of communication. Ill treatment of journalists continued from both

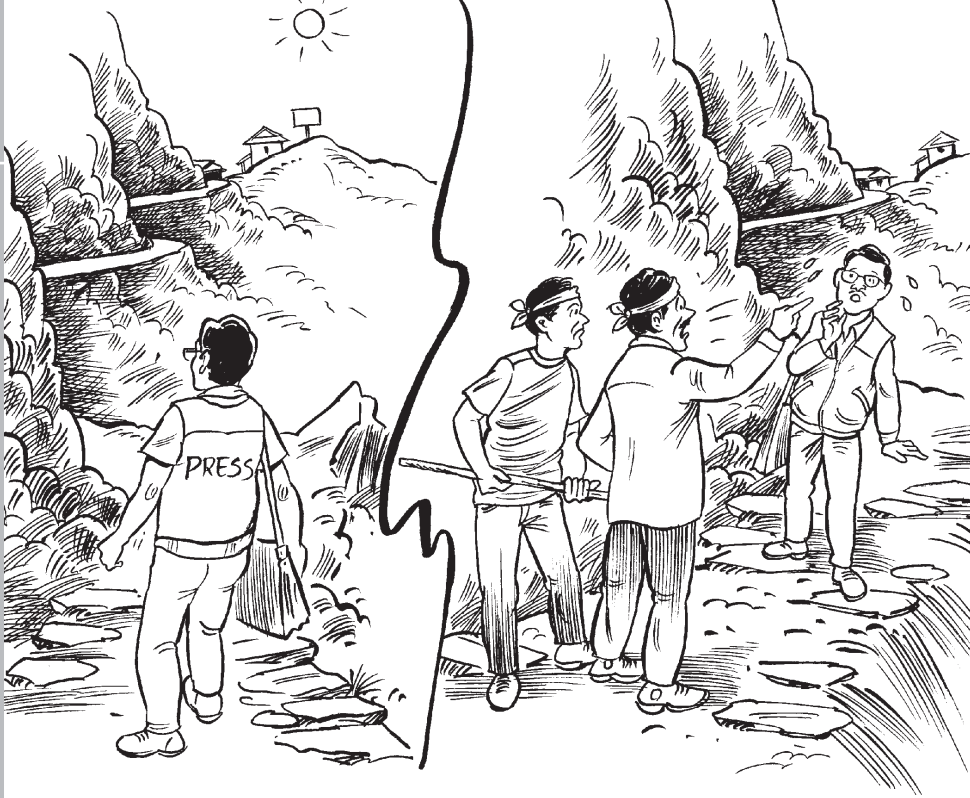




Government and non-Government actors. According to the Federation of Nepalese Journalists (FNJ), two journalists were killed during the 15-month long direct rule by the king while 11 others were kidnapped. Some 83 journalists were victims of torture. Likewise, altogether 409 Journalists were arrested, 179 were threatened and 55 others were obstructed from carrying out their professional duty. Altogether 55 different houses were forced to shut down their publications and 108 newspapers being published from outside Kathmandu ceased their edition. There were some 250 incidents of arson and vandalism in media houses and the private residences of journalists during the 15 month period alone.

Despite mounting pressure from both national and international communities to put an end to the violence against media, little

progress was made. Then Nepali journalists took to the streets for the cause of press freedom. As an active part of the democratic uprising that took place in April 2006 that eventually forced king Gyanendra to relinquish the absolute powers he had seized 14 months earlier, the Nepalese media played a key role in bringing about these seminal changes including restoration of democracy. Recent positive political developments have opened the door for a new democratic process in Nepal. The mass movement of April 2006 led King Gyanendra to give up absolute power and to reopen the Parliament. The November 2006 Comprehensive Peace Agreement (CPA) has ended a decade of civil war and a Constituent assembly election has been scheduled for 2007. Many people assume that the media is free at last.



Stories from the field

According to Suman, journalists working in Humla district regularly face different kinds of threats from the Maoists, Police and the Armies. "They all force us to broadcast the news in their favour and warn of severe consequences if we do not follow their orders," he says.

"Suman" from Humla

Suman has been working in the media for the last five years in the remote district of Humla in Mid-Western Nepal. As a local representative, he has plenty of experience in practicing journalism in remote areas. "The pleasure of writing news after a week-long journey on foot is really rewarding", he says, "but nobody even tries to understand the pain behind it."

In spite of enjoying his work he feels sad to find that professional journalism is yet to flourish in Nepal. Personally, he has been unable to disseminate news due to various kinds of threats to his life. He says that such incidents continue to occur in his area even today.

The following is an incident that happened at the end of November last year. Maoist cadres came to a village near the district headquarters of Simikot during the night and indiscriminately beat up and tortured the villagers. As a journalist, Suman went to the village to collect information for a report the next day. There he met with Maoist cadres who threatened him saying he could face dire consequences if he broadcast the news in television. Suman was then forced to drop the news he had prepared for fear of his life. He informed a local human rights organization about the incident but could not inform other organizations, again due to imminent threats in the village.

According to Suman, journalists working in Humla district regularly face different kinds of threats from the Maoists, Police and the Armies. "They all force us to broadcast the news in their favour and warn of severe consequences

if we do not follow their orders," he says.

Humla lacks infrastructure and communication and is subject to a severe cold mountain climate and difficult walking conditions. Only 1 percent of the 5,556 sq km of land which make up Humla is said to be fertile enough to farm. These are some factors that contribute to food shortage in the district. In Humla's district headquarters of Simikot, the local food depot provides 3kg of rice per person every month at subsidised rates. Suman states that the police misuse the rice in order to prepare local wine and leave the local inhabitants to face scarcity of food almost all year round. Suman has never been able to disseminate the news about the misuse of rice, due to force and threats by the police.

Suman says that none of the journalists in Humla district are able to practice professional journalism due to constant threats from different groups. Respecting the norms of professional journalism in the midst of threats, pressure, intimidation, and torture is the major challenge for journalists like him in the district. "Because of these threats, we don't publicize and broadcast many of the news items we have prepared," he concludes.



The enraged locals had earlier staged a demonstration to exert pressure on the re-establishment of a Bank, which was displaced due to Maoist threats in the past. She had been pressured over the phone allegedly for not putting their issues in the media. She was scared as it was in the middle of the night and hostile strangers were threatening to kill her. Luckily, some neighbours came to her rescue. The mob vandalized the office of a local FM station and finally moved away, threatening her not to report any incidents from their area.

"Kamana" from Ilam

Kamana is known as an active female journalist working in both print and electronic media in Ilam. She started her career as a journalist only in 2004 but has already gathered a great deal of experience. The incident that occurred on 10 April 2007 is still

vivid in her memory. A group of unidentified locals came to her residence attempting to attack her. "Come out, we are here to kill you," she quoted the agitated locals saying.

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This is an example of how challenging it is to have to justify the news in rural areas. "I am forced to clarify about the published and unpublished news time and again. Nepali journalism cannot experience freedom unless the Government creates a situation where there is a respect of press freedom and an end to the culture of impunity," adds Kamana. Despite repeated intimidation she is not disappointed with her profession.

"Nabin" from Saptari

"I was very confident after the peace agreement was signed between the Government and the Maoists. But then an incident took place in Kathhe area in the western part of Saptari district in the last week of March. This has not only made me mentally sick but has also put my journalistic profession at risk," says Nabin, Saptari district correspondent for a leading national daily. Despite the fact that he has been involved in journalism for the last seven years, Nabin had never faced the kinds of hardships and threats he is facing these days. He does not know from whom and where he will get justice.

According to Nabin, the threat came from the CPN (Maoist) after he published a news report about a Maoist attempt to kill two locals over a dispute erupted on the issue of appointing teachers at a local school. The threats were issued by a district level Maoist leader, who is now a member of the interim legislature representing the Maoists, and repeated phone threats from other lower rung Maoist cadres. As a professional journalist, he has a strong conviction that a journalist should act as the voice





"The repeated threats from the Maoists and the JTMM have forced me to live away from my two tender-aged children and wife," he says.

of the voiceless. But, while adhering to these principles in his professional life he is forced to be subjected to threats and intimidation.

Nabin adds that it is unfortunate that the Maoists and also the Janatantrik Terai Mukti Morcha (JTMM)¹ Janatantrik Terai Mukti Morcha (JTMM) is a revolutionary organisation that was formed in 2004 as a split from the Communist Party of Nepal (Maoist) (CPN(M)). There are two groups in JTMM. One is led by Goit and another by Jwala Singh. The name means "Terai Democratic Liberation Front" in English. target journalists, who are working exactly to raise the voice of the voiceless, poor and marginalized people. He argues that unrestrained and violent behavior against journalists even after signing the historic peace agreement cannot be justified. He has already informed the local administration about the incident, as well as the Federation of Nepalese Journalists and the District Bureau Chief. However, "none of them has taken up the issue seriously. There has been neither an

environment to work without interference nor have the authorities been able to take action against the guilty involved," he says. Nabin adds that he had high hopes that things would gradually improve once the Maoist insurgency was over. On the contrary he has found that the situation is deteriorating for working journalists. Numerous incidents of threats and intimidation against journalists have given rise to the culture of impunity in the country. He argues that the guilty must be held accountable, also now that the former rebels have joined the Government.

He further points out that the Maoists are not alone to persecute him. Nabin has been facing threats from the Jwala Singh led JTMM. The JTMM has repeatedly been issuing threats for purportedly carrying critical news report against them. This has not only caused mental torment but has also forced him to lead the life of a displaced journalist. "The repeated threats from the Maoists and the JTMM have forced me to live away from my two tender-aged children and wife," he says.

¹Janatantrik Terai Mukti Morcha (JTMM) is a revolutionary organisation that was formed in 2004 as a split from the Communist Party of Nepal (Maoist) (CPN(M)). There are two groups in JTMM. One is led by Goit and another by Jwala Singh. The name means "Terai Democratic Liberation Front" in English.





"Kapil" from Bardiya

Starting his journalism career five years ago, Kapil is now district correspondent of national dailies from Bardiya district. The severe psychological stress that the Maoists inflicted upon him during the conflict is still fresh in his mind. He had thought that the Peace Agreement signed between the Government and the Maoists would finally make journalists like him able to carry out their professional duty without any hindrances. To his utter dismay, he continues to face similar threats from the Maoists and other agitating parties.

Kapil says he continues to receive threats from Maoist cadres and other agitating groups. The Maoist cadres had once threatened to kill him when he reached to a place across Rapti River to collect news. This threat came after Kapil published a news report about Maoists' involvement in timber smuggling in the area.

Apparently for the same or similar reason, Maoists, on 21 December 2006 took Kapil in captivity and subjected him to psychological

pressure for hours. A local Maoist in charge also threatened to kill him for his news report. "You may come home, but let's see if you will remain alive," he quotes the local Maoist in-charge threatening him over the phone. Apprehensive as he is of the Maoist attack, he rarely visits home. Even when he has to make the visit, he says he asks his friends to gather at home for fear of Maoist abduction and subsequent torture or even killing. "I feel insecure when staying at home during the night," he adds.

Police personnel are also no exception in case of harassing journalists. Once, police held him captive for hours for no reason. They also seized his motorcycle. "Later, I was able to take the motorcycle back from the District Administration Office," says Kapil.

Kapil has also been a victim of the recent protests that flared up in the Terai region. Agitating representatives of the Madhesi People's Rights Forum (MPRF)² Madhesi Janaadhikar Forum (MJF) or Madhesi Peoples' Rights Forum (MPRF) is a political organisation that demands increased

²Madhesi Janaadhikar Forum (MJF) or Madhesi Peoples' Rights Forum (MPRF) is a political organisation that demands increased representation by the Madhesi population, led by Upendra Yadav

representation by the Madhesi population, led by Upendra Yadav, held him captive for two hours and resorted to severe psychological pressure during the unrest. The MPRF also partially damaged his two-wheeler. Even though he informed Press Chautari Nepal and the Federation of Nepalese Journalists in Kathmandu and Bardiya districts about the incident, he has not been able to receive compensation for the damage caused so far. "There has been no positive response. I have not even been able to feel a sense of security," Kapil recounts his experience.

According to him, there is no professional guarantee of journalists in Nepal. "It is high time that the state formulates clear policies to provide adequate security to journalists," he says.

As displaced journalist he has lately been living in Nepalgunj, the district headquarters of Banke. He has a strong conviction that honesty, impartiality, and hard work finally will pay off for journalists.

"Kamal" from Banke

Journalist Kamal has earned five years of professional experience. Over the years, he has had to endure several hostile situations, particularly during the decade-old Maoist conflict. Albeit the historic peace agreement signed between the Government and the Maoists on 2 November last year has spread optimism among people that peace would finally be restored in the country, he, as a journalist, does not believe that his professional challenges will diminish.

Kamal has been receiving threats of 'physical action' from the Maoist cadres since mid June last year. "Such threats continue indirectly even these days," says Kamal, adding that the peace agreement has failed to bring any substantial change in his professional life. "Worse, sometimes their (Maoists') cadres threaten to take my life." Working as a journalist outside Kathmandu valley always involves the risk of losing your life. "I always feel insecure," he says. "I always feel insecure," he says.

The recent Terai unrest, where several journalists were selectively beaten up, has further added to



the sense of insecurity among journalists working in the Terai districts. On 7 March 2006, some 200 people with arms, who claimed to be the activists of MPRF, held him captive for over 2 hours and erased the photos he had taken for a news report in Manpur area of Banke district.

According to him, the incident took place in front of hundreds of Armed Police Force and Nepal Police personnel. "Police personnel remained mute spectators even as the agitating cadres erased pictures and inflicted psychological pressure," he complains.

Later he reported the incident in local media, to the Federation of Nepalese Journalists, Press Chautari Nepal, and to a media mission that arrived in Nepalgunj. Nevertheless, he feels that the incident has failed to draw adequate attention from the concerned stakeholders. Kamal, who believes that journalists should be impartial and neutral, asks the Government to guarantee the safety of journalists. He also demands the Government to formulate clear policies, and launch programs that benefit working journalists.



"Meena" from Sunsari

She further asks the Government to formulate the necessary policies to end the culture of impunity. "The Government also needs to make commitment to implement them strictly," she concludes.

Meena is a prominent female journalist working outside Kathmandu valley. She started her career as a freelance writer and has now earned over a decade of experience in news writing.

From her early childhood, Meena aspired to be a professional journalist and wanted it to be

her life-long career. Unfortunately she feels like giving up the profession as she continues to receive coercion and threats from different parties. Both the state security personnel and the Maoist cadres have repeatedly harassed her alleging that she has been involved in the fight for press freedom and restoration of democracy in the past.

As a journalist, Meena had hoped that her job would be more secure once democracy and peace is restored in the country. To her disappointment, the situation remains the same even after the peace agreement came into force. The harassment and mistreatment of journalists during the Terai unrest is vivid in her mind. "There was an insecure and tense environment. We faced difficulties when attempting to travel to and from nearby towns like Biratnagar," she said. Biratnagar was almost completely closed for two weeks and vehicles were kept off the road in fear of vandalism. The situation grew only worse for journalists when the local administration enforced curfew to contain the violent protest.

Apparently agitating representatives of MPRF selectively battered journalists in Biratnagar. Likewise, Maoist cadres on 30 March 2007 threatened to kill nine journalists in Sunsari district after a report was published in a local vernacular

daily. None of these culprits has been brought to justice so far. Incidents like this make her feel even more insecure in the journalist profession.

Meena believes that Nepal has a long way to go towards professional journalism. The profession is one of the least paid and least secure jobs. "Over the years, as a female journalist, I have not been able to carry out my job without threats and intimidation. Neither have I been able save any resources. I have decided to give up the profession now", she says.

She concludes that it is very challenging for female journalists to carry out their duty, particularly for those working outside Kathmandu Valley. The media lack equipment needed for individual security. Protestors often demonstrate mean attitudes towards female journalists. Meena states that this makes female journalists the victim of both mental and physical 'rape'. Nevertheless, these types of incidents, according to her, are not reported in the media as women fear that society might look down upon them. She further asks the Government to formulate the necessary policies to end the culture of impunity. "The Government also needs to make commitment to implement them strictly," she concludes.





"Ranjeeta" from Dhading

Ranjeeta has been working as a professional journalist for the last five years, facing various challenges in a difficult socio-cultural situation. She says that "even though the country has felt the sense of peace, Nepali press has not experienced any of it yet. We continue to be the victims of threats, physical assaults, psychological pressure, and intimidation. We are displaced from our homes accused of carrying critical news against 'them'," she says.

Discontented users of a road around the district headquarters had protested against the Local Development Office (LDO) as the road blacktopped a year earlier had broken down completely. Ranjeeta along with other journalists reached the LDO office to report on the incident and the news was later published. On 23 February 2007, the District Development Committee (DDC) in Dhading filed a case against her, alleging that she had committed a 'social crime' and she was accused of instigating the public to destroy the road.

The case was later resolved when the DDC withdrew the case after the journalists appealed to human rights activists, civil society members, media workers, political leaders, and the concerned offices to find out the truth and to take action against the real culprit.

Unfortunately for Ranjeeta, this was not a stand-alone incident for her. She has also been accused by Maoists of demoralizing them by publishing news. Similarly, the third week of March 2007, staffers at a local hospital threatened her and subjected her to psychological pressure. They accused her of defaming the hospital and labeled her as an inefficient professional. Even though she had not done anything against her professional norms, the hospital authority continued mistreating her.

Ranjeeta worries that journalists continue to be oppressed and dominated by different state and non-state parties even today. "Is it not against the spirit of 21st century for Nepali media to wait for press freedom?" she asks.



"Bikash" from Kavrepalanchowk

Bikash is working with the print media in Kavre district. He has been a journalist for 15 years but he is unhappy with his profession. He is bitter having had to close the publication of a newspaper. He has a faint hope of improving press freedom after he recently started publishing a vernacular weekly newspaper.

However, he is worried about the ill-treatment meted out to journalists even after the peaceful resolution of the Maoist conflict. His grief intensifies when he is forced to remain silent even when he himself becomes the victim of human rights violations.

On 29 November last year, local Maoist cadres caught a local villager on charge of killing his wife and handed him over to the police. Learning that the wife



was actually never killed but that the Maoists kept the wife captive, Bikash went to the place where the 'killed wife' was kept. When he reached the place he was met with angry and abusive cadres. "Who did invite you to come here?" he quotes irate Maoist cadres saying before they thrashed him to the ground. Fortunately the situation was sorted out when the police came to know the truth and the Maoists on the same night handed over the 'killed wife' to her family members.

The human rights organizations Informal Sector Service Centre (INSEC) and Human Rights and Environmental Education Centre (HUREC) as well as the journalist umbrella organization FNJ Kavre chapter denounced the incident and demanded action against the guilty. One Maoist leader committed not to repeat such incidents speaking in a program organized in Baluwa of Kavre on the same day. According to Bikash, the Government, however, did not pay any attention to the incident.

Geographical complexity as well as the lack of transportation and communication facilities is the common problem of this region and it is very difficult to receive information directly from the source. "The people think they should not give any information to the journalists," she says. "The Government, security personnel, Maoists and the local people always come to the journalists seeking clarification of the news published or broadcasted".

"Sunita" from Jumla

Sunita is a female journalist in Jumla, where media is a relatively new concept for the local population. Sunita says that gradually the people have become positive and enjoy listening to her voice on the radio and like to be educated by her. She says that those who used to criticize in the past now have started to help openly.

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Sunita particularly remembers the incident of 27 December 2006. She had used the term 'my lover' and 'my beloved' indirectly indicating some people while conducting a radio program on the local FM. Later the family of a person blamed her of demoralization and threatened to register the case in court. She escaped with difficulty from the situation and comments "a number of people have come to me with threats accusing me of not writing news in their favour."

The struggle involved in gathering information on foot for a week as well as the economic and security related problems cannot be expressed in words, Sunita says. Sometimes, the news is not even published. She says that she does not feel very different about reporting during and after the conflict, "but we are safer now than in the past," she adds.

Under Scrutiny: Media violations in times of ‘peace’

After the signing of the Comprehensive Peace Agreement (CPA) an interim Government was formed in Nepal. Of particular interest to the media is that the Maoists have taken the responsibility of the Ministry of Information and Communication. The process of peace is under way but from the stories above there seems to be little improvement in terms of press freedom and the safety of journalists.

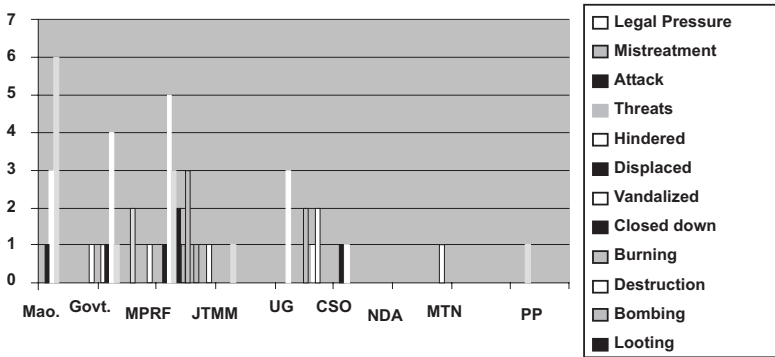
Statistics and stories portray a Nepal in which journalists are still abducted, arrested, threatened, physically assaulted and obstructed in carrying out their professional duty across the country. Many media practitioners are still displaced away from their families. Media houses have been vandalized and forced to shut down and transports of newspapers have been vandalized. The perpetrators are different state and non-state parties, but Maoist involvement is allegedly high, as is representatives of MPRF.

Incidents of Media Violence from November 2006 to 15 April 2007

S.N	Nature of Incidents	Nov. 2006	Dec.	Jan. 2007	Feb.	Mar.	Apr.	Total Inc.
1.	Journalist Murdered	-	-	-	-	-	-	-
2.	Journalists Killed	-	-	-	-	-	-	-
3.	Disappeared	-	-	-	-	-	-	-
4.	Arrested	-	-	4	-	-	-	4
5.	Adducted	-	-	1	-	-	-	1
6.	Attacked	3	7	27	13	13	4	67
7.	Threatened and Harassed	3	3	25	4	12	1	48
8.	Obstacle on free flow of information	2	3	2	1	4	-	13
9.	Administrative and Legal Pressure	-	-	-	-	1	-	2
10.	Displacement from job	1	-	19	-	-	-	20
11.	Closure of Publication	-	-	26	27	1	1	55
12.	Vehicles Vandalized	-	-	12	-	-	-	12
	Total Incidents	9	13	116	45	31	6	220

Sources: Federation of Nepalese Journalists (FNJ), Press Clips of the Kathmandu Post National Daily, the Kantipur National Daily, Gorkhapatra National Daily, and Nepal Samachar Patra National Daily, Annapurna Post National Daily and Collected Information by Research from Various Districts and Collection from Websites about the Press Freedom Situation

Media Violations after the CPA



Situation Comparison by Geographical Region

The recent unrest in the Terai has no doubt caused increased security risks for the media, but it is unsettling that other areas also report of continued violence and intimidation. This raises serious concerns in relation to the flow of information, particularly in the light of the upcoming elections and people's ability to make informed choices and take part in the democratic process of shaping the 'New' Nepal.

The Mountain Region

Despite various problems related to press freedom, the Mountain region seems to be safer than other regions of the country. Journalists working in districts like Humla, Jumla, Mugu, Mustang, and Manang had to undergo various kinds of pressure from the Maoists during the decade-long armed insurgency. With the signing of the peace agreement, these incidents have considerably decreased. Nevertheless, incidents including threats and psychological pressure from the Maoists cadres go unabated even today. Journalists in the region are threatened to divulge their sources of information and publish news in their favour.

There have been repeated cases of mistreatment of female journalists. The lack of communication facilities in the region makes it difficult for journalists to bring such incidents to the public.

Hill Region

Though the incidents of threats, torture, and intimidation of journalists have not stopped completely, the situation of journalists is better than during the conflict period in the Hilly Region. Following the CPA the protest activities carried out by some indigenous people for autonomous states in Ilam, Panchthar, Taplejung, Terhathum and Dhankuta districts have created some difficulties for the press. Maoists have continued to threaten and beat journalists. Maoist cadres on 25 November 2006 threatened a journalist in Taplejung district and mishandled another journalist in Kavre district on 29 November. Also in March, Maoist cadres issued life threats against journalists working in a range of Hilly districts in Far Western Nepal.

Various state parties are found equally active in posing threats against journalists in the Hilly region. Among others, VDC secretaries, forest officials, security

agencies, members OF DDCs and the municipality are found mishandling and threatening journalists, preventing them from carrying out their professional duty. A female journalist had to face abuse and threats because of a news report in Ilam. A similar incident was reported in Doti district of Far Western Nepal. A self-claimed republican group repeatedly issued threats to a journalist because of a news report on dalits entering a local temple in the last week of March. Many such incidents have not yet come out in the open.

The episodes consist of threats, physical assaults, psychological pressure and other kinds of abuse and the perpetrators include Maoists, Government agencies and non-state parties. The situation has yet to improve significantly in the Hilly region. Journalists are often forced to clarify the news published or broadcast to different agitating parties and political parties. Though the incidents are reported to the concerned Government authority, the culprits are not punished. In many cases, it has been difficult to identify the culprits, and the authorities have failed to initiate investigation.

Terai Region

The incidents of media violence have sharply gone up in the Terai Region. The Terai movement, which the Madhesi People's Right Forum (MPRF) claimed to lead, went out of control. The Terai remained heavily troubled the first six months after the CPA. Even though the organizers claimed the movement to be peaceful, many people lost their lives while billions-worth of property was destroyed in the course of the movement.

The different agitating groups, including Janatantrik Terai Mukti Morcha (JTMM) and the Madhesi People's Rights Forum (MPRF), are often pointed out as the main culprits. Also the less known Nepal Defense Army, the Cobra Group and the Madhesi Tigers are still intimidating journalists.

The MPRF representatives and their supporters mistreated, threatened, physically assaulted, and even kidnapped journalists. They also vandalized media houses and looted their properties. On 28 January 2007, local MPRF representatives threatened a dozen journalists in Birgunj with taking their lives, forcing them to move to Hetauda. Likewise, the unruly MPRF singled out and mercilessly

beat up five journalists in the Tankisinwari area in Biratnagar on 4 February this year. They also robbed media persons, vandalized media houses, and interfered in the work of journalists during the movement. Journalists also suffered a lot from police batons and tear gas cells fired in an attempt to contain the protest. Unfortunately it has been difficult to record and report all such incidents.

According to journalists working in the Terai region, despite their repeated requests, the Government has failed to provide them with adequate security. This has forced many journalists to move and live under continuous psychological stress. Media houses that were shut down during the Terai agitation and the Maoist conflict have not been opened yet. The Government has not taken any initiative to punish the guilty, or to provide compensation for the property damaged. Even today, the Government fails to guarantee the security in certain parts of the Terai. This has made the issue of the safety of journalists even more challenging.

Attacks on Media during the Terai Movement

S.N.	Incidents	Numbers
1.	Attacks on Journalists	19
2.	Attacks on Media houses	5
3.	Serious threats or misbehaviour	23
4.	Displacement	19
5.	Media Closure	53
6.	Vehicles Vandalize	12
7.	Ban on distribution of newspapers	2
8.	Threats of shutting down media house	1
	Total number of incidents:	134

Source: FNJ Bulletin, March 2007

Women in the Media

There has been very low participation of women in the field of journalism in Nepal. Before professional female journalists entered the scene after the restoration of the democracy in 1990, there were only a few women working as journalists. Seventeen years later, according to the Federation of Nepalese Journalists (FNJ), the umbrella organization of journalists working across the country, there are about 400 female journalists in Nepal. The recently promulgated Interim Constitution has made a commitment to ensure minimum 33 percent participation of women in all state structures. However,

Women in Nepal, including female journalists, often not dare to speak openly due to prevailing socio-cultural norms. A few cases of female journalists being subject to sexual exploitation during the conflict period have been publicized, but many people believe that there are several more such cases.

it is yet to be seen how the Government will implement this decision and what impact it will have on the state media.

The number of female journalists is on the rise but still comparatively small. It does not necessarily mean that women are not attracted towards journalism,



but it may seem like certain socio-cultural aspects; together with the lack of a safe working environment are contributing factors. Constituting more than 50 percent of the total population in the country, women must be encouraged to practice journalism and to report and engage actively in issues related to women.

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A female journalist currently working in Dharan shared that, "male journalists work in several places at the same time. But that is not possible for female journalists. This has made many female journalists to disregard their professional ethics in order to sustain themselves in their profession. We have been forced to publish news if the person concerned contributed financially to the newspaper. Moreover, there is no proper environment to write openly about any news. We are likely to be confronted with different problems. Our personal security is at risk.

Exemption from Penalty

Many media practitioners feel that there is a growing, or at least well-settled culture of impunity in Nepal as the authorities in most cases fail to take action against the perpetrators of violations against press freedom and security. When failing to publicize the news of such incidents, allegations of cover-up are also rife.

Reporters in the field allege that security personnel, who are supposed to protect journalists, are involved in attacks against journalists. In November 2006, a Nepali Army officer in Dhading district seized the camera of a journalist, alleging that he snapped his photograph. In the same district, an official at the District Development Committee filed a public case against a journalist. Likewise, in Ilam district of eastern Nepal, a Village Development Committee secretary threatened a journalist to publish a separate 'correction report' of published news while an official at the District Forest Office in the same district issued a death threat to a journalist.

On 26 March 2007, cadres of the Maoist-affiliated Young



Communist League threatened to kill over a dozen journalists working in Sunsari district. Likewise, some 30 Maoist cadres padlocked the offices of The Himalayan Times and its sister publication Annapurna Post on 6 April 2007, alleging that the media house administration had fired four of its press and marketing employees. These types of unruly activities from the Maoist cadres have gone unabated.

These are just a few of the cases of intimidation mentioned by members of the media. Overall there seems to be a lack of acknowledgment for mistakes, lack of responsibility for neglect and abuse, lack of investigation into such incidents and no legal persecution, and for these reasons no feeling of justice.

Some Provisions for Press Freedom in Nepal

Radio, television, online or any other digital or electronic media and other means of communication shall not be closed, seized or revoked their licenses for publishing and broadcasting news, articles, and other audio/visual contents.

Nepali press fought for a long time to establish press freedom in the country. Although the recently promulgated interim constitution is more liberal in terms of guaranteeing press freedom, there are still concerns that need to be addressed.

The following four provisions have been made about publications and dissemination of information:

- a) There will be no restriction imposed on publishing and broadcasting any news, editorial, articles, or any audio/visual contents before their broadcast or publication.
- b) Radio, television, online or any other digital or electronic media and other means of communication shall not be closed, seized or revoked their licenses for publishing and broadcasting news, articles, and other audio/visual contents.
- c) No newspaper, magazines, or press shall be seized or closed for publishing or broadcasting any news item, article, editorial or other reading materials.
- d) No press, electronic media, and other means of communication including telephone shall be obstructed without legal provision.



Article 27 of the constitution says that every citizen has the right to demand and receive information on any matter of public importance, provided that no secrecy is to be maintained by law. The constitution has not made the necessary acts and rules to explain and implement these provisions. Even though various acts have made provisions about the press, these are not contextualized and do not match with the provisions of the constitution.

The provisions set about media in the Interim Constitution are not complete. There are many contradictory provisions related to press. There is no clear provision as to which issues are included and which not in particular Rights. There are no clear legal provisions as to what kinds of punishment could be given to those guilty of violating free press and about the kind of legal remedies for the victims.

Conclusions and recommendations

Mass Media has already made its identity as an integral part of the Nepali society. Along with the new political development, the country is now heading towards the election of the Constituent Assembly (CA) which hopefully will bring lasting peace and stability in the country. People in general seem optimistic, however, it is important to note that many are not aware of the actual situation outside the Kathmandu Valley.

Although the incidents of killings, kidnappings, displacement, and pressure against journalists have gone down considerably with the end of fresh violence that erupted in the Terai earlier this year, the state of impunity, partly due to the fluid political situation in the country, has further made media the target of different types of unruly groups. The astoundingly high number of incidents of media violations also reflects that Nepali media is still not safe from threats and fails to be free as such.

Despite the fact that the participation of women in journalism has slightly increased

in recent years, violations of a free press and ill-treatment is discouraging women from becoming journalists. The involvement of representatives from poor, marginalized as well as ethnic minorities and the dalit community is also still nominal.

The recently promulgated interim constitution has categorically mentioned various kinds of fundamental rights including the right to information, right to a free press right to privacy. However, concerned stakeholders need to work further to ensure press freedom, journalists' safety and to end the state of impunity in the country.

Since it is the prime duty of the Government to create an appropriate environment for easy exercise of the constitutionally guaranteed rights, we recommend that the Government formulates the necessary laws to transfer the rights guaranteed by the Constitution and ensure that they are implemented.

We also encourage the Government to implement the recommendations made by the High Level Media Commission and give directives and coordinate with the concerned agencies to implement the Working Journalists Act.

Furthermore, we propose that all Government agencies are made aware about the concept of free press and also formulate appropriate policies to ensure easy access to information about Government activities to all journalists, irrespective of their media houses.

We further recommend that security agencies are strengthened to end the growing impunity and implement new strategies to provide security to media houses, and the safety of women in particular.

In order to improve the situation of the media sector in the country, we suggest the formation of a high-level probe commission to investigate the suppression of media persons and media houses in the past and the impact of such activities.

We also recommend the implementation of national level programs to develop the media sector outside Kathmandu valley and motivational and skills-oriented trainings for journalists representing women, dalits, indigenous people and other marginalized communities.

We hope that the Government will facilitate the reinstatement of journalists displaced during

the conflict, initiate special initiatives to support the livelihood of the family of killed journalists and provide scholarship facilities to their children as well as provide compensation to the vandalized media houses.

We recommend that the Government launches special programs for community radios and local newspapers to help expand the reach of communication in rural areas. The Government should also take initiatives to study and bring in new technology.

Considering all the journalists rendered physically disabled during the conflict we hope that the Government will provide treatment free of cost as well as provide them with an alternative source of income.

We propose that the Government develops a system to ensure equitable distribution of Government advertisement and other facilities and also shows preparedness to provide insurance for the safety of journalists and media houses.

We appeal to the political parties to guarantee the respect of press freedom and free media policy in their respective manifestos and ask their sister organizations and

associated members to strictly follow the policy mentioned in the manifesto.

We are hopeful that party members involved in attacking independent press are reprimanded and penalized.

When carrying out any forms of protests or campaigning we appeal for the safety of media practitioners.

We have trust in the support of the political parties in directing parliamentarians to help the Government to formulate appropriate policies for providing security to journalists and promoting the media sector as a whole.

We recommend that information about party activities is provided to journalists through convenient means of communication.

We hope that the practice of using journalists for partisan interest is discouraged.

We further recommend that the civil society provides true and objective information about incidents that take place in their localities and extend their support to journalists.

We expect that civil society members remain cautious about the safety of journalists while staging any form of protest or programme, exerting extra caution and extending the necessary support to female members of the media.

We recommend that the civil society through the media raise pertinent issues in a peaceful manner.

We expect all members of the media to disseminate balanced and impartial news and to follow their code of conduct.

We recommend all media practitioners to learn the safety measures required and keep necessary equipment with them, remain highly cautious while disseminating information on sensitive issues, extend support for the safety of their colleagues during agitation and conflict and share information if it is vital for journalists' safety.

We hope that all journalists extend support to Government initiatives to provide security to journalists and the media houses.

Lastly we hope that all parties are sincere in implementing the Comprehensive Peace Agreement (CPA)

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