

Federation of Nepalese Journalists (FNJ)

'Peace and Democracy for Full Media Freedom'

Mission Statement by International Organisations
International Press Freedom and Freedom of Expression Mission to Nepal

25 March 2006

Press Statement

The freedom of expression and press freedom situation in Nepal has not improved since the 'International Press Freedom and Freedom of Expression Mission' previously visited the country as a group in July 2005. The intimidation, harassment, attacks and detention of media professionals, particularly in the districts, have continued. Furthermore, government pressure on independent media, especially through 'one-door advertisement policy', and self-censorship as a result of the actions of the national authorities, security forces and combatant parties have increased.

Both the Minister of Information and Minister of Home Affairs stated to the International Mission that they are committed to press freedom. The Maoist leadership also claimed that they respect the rights of the media. However, the twelve international organisations participating in the mission noted a concerning number of cases of harassment, intimidation, illegal detention, torture, restrictive directives, destruction and seizure of equipment, and attacks on media houses by all parties to the conflict.

Of particular concern is the increasing involvement of the Royal Nepalese Army (RNA) and armed police forces in press freedom and freedom of expression violations, as well as interference in the media sphere.

Proposals for a broadcasting authority and the creation of a media council through new media ordinances will further endanger the survival of the independent media and freedom of expression in the country, as these will reportedly introduce highly restrictive provisions against independent media, placing curbs on freedom of expression and press freedom in contradiction to the principles of the 1990 Constitution of Nepal.

The government admission to supporting an alternative journalists' association is unacceptable interference in media. The dismissal of state media practitioners for refusing to join this state-supported association demonstrates direct interference in the free choice of association.

The refusal of the government to respect freedom of expression and press freedom erodes 15 years of development for the media community in Nepal, as well as undermines democratic and economic progress and the chances of a peaceful resolution to the conflict in the country.

Based on the findings of the mission and the long-standing engagement of the international organisations in Nepal, the International Mission wishes to make the following observations and recommendations in relation to promoting press freedom and freedom of expression:

1. General Observations

We, the international organisations wish to:

1. Highlight the invaluable contribution that the media in Nepal have made during the past 15 years in upholding and promoting democracy, peace, development and good governance;
2. Congratulate the national media community for its courageous efforts in defending freedom of expression and press freedom against continuing restrictions and violations;
3. Express grave concern over the lack of transparency and deliberate policies of the national authorities and security forces to undermine media freedom;
4. State our awareness that all combatants in the conflict have been responsible for abusing and contravening media practitioners' rights;
5. Recognise that the print and broadcast media in the districts continue to work under difficult conditions that threatens their continued economic viability and sustainability.

2. Observations and Recommendations relating to Harassment, Detentions and Disappearances

We, the international organisations, state that:

1. We are gravely concerned with the continued systematic attacks, threats of "disappearance", intimidation, harassment, sexual abuse in custody, and arbitrary detention of media practitioners by the security forces, especially in the districts, and demand that all such incidents cease immediately;
2. Anti-terrorism legislation (TADO) must not be used to curb freedom of expression, as well as to detain arbitrarily media practitioners, namely Tej Narayan Sapkota, Deepak Biswakarma, Prakash Baral and Hom Prasad Basyal;
3. Shyam Shrestha, currently being detained under the Public Security Act for the free expression of his opinions, must be immediately released;
4. A full investigation must be undertaken into the death due to negligence on 4 October 2005 of Maheshwor Pahari, of Rastriya Swabhimani Weekly whilst in detention, and that his family be compensated;
5. All media practitioners who have undergone maltreatment and torture by the security forces must be compensated and clearly reiterate that media practitioners are protected under national and international law and agreements and that those who violate these must be held accountable and prosecuted;
6. Media practitioners must not be obstructed or harassed whilst covering events and demonstrations;
7. Media practitioners, particularly in the districts, be allowed to report independently, and not be accused of being anti-national or 'encouraging terrorist activity', and authorities that exert pressure on journalists to reveal sources desist from doing so immediately;
8. Maoists must stop intimidating, abducting and harassing media practitioners, and respect their right to carry out their professional duties and inform their communities with full freedom;
9. Security personnel responsible for the abuse, torture and threats of rape to Bhawana Prasain while in detention be held accountable and prosecuted, and in light of the commitments given to the International Mission by the Minister of Home Affairs, call on the Minister to ensure that these persons be brought to justice without delay.

3. Observations and Recommendations relating to Media Policy and the Legislative Environment

We, the international organisations state that:

1. Freedom of expression and press freedoms enshrined in the 1990 Constitution as well as international norms, standards and obligations be preserved and respected;
2. National authorities refrain from renewing the draconian 'Ordinance Amending some of the Nepal Act related to Media' promulgated in October 2005;
3. Government refrain from introducing any new ordinance or decision that would alter or override media rights as enshrined in the 1990 Constitution and international obligations;
4. We recognise the crucial role of the judiciary in preserving press freedom according to the Constitution;
5. The political parties must declare in their manifestos that the state media will be transformed into public service media once a democratically elected government is restored and that freedom of expression and press freedom will be guaranteed in any future government policy.

4. Observations and Recommendations Relating to Print, Broadcast and Online Media

We, the international organisations state that:

1. National authorities and security forces are forcing the media to practice self censorship through intimidation, harassment and detention of media practitioners;
2. The current 'One-Door Advertising Policy' threatens the financial viability of media. This anti-competitive and prejudiced allocation of public funds has led to financial losses and threatens the survival of independent media. The government must abolish this one-door policy and must stop exerting pressure on commercial entities to direct their advertising away from independent publications.
3. Interference by state authorities in editorial independence must cease and government must not impose 'coercive measures', such as pressuring media outlets to dismiss individual media practitioners;
4. Local authorities must not curb or restrict access to information and should respect the spirit of the constitution in making information available to citizens;
5. The independence of media must be respected and media must not be coerced to carry any specific messages or content, and that media facilities and infrastructure must not be shut down, damaged or removed;

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6. The increase in postage costs and disruption of print media distribution have led to decreased circulation for small and medium sized newspapers in the districts. These exorbitant fees should be reversed and media outlets should be allowed freely to use public methods of transportation to distribute their publications without interference;

7. The RNA must reverse the blocking of some 30 news and civil society websites and withdraw the verbal and written orders given to ISPs to block access to these websites.

5. Observations and Recommendations relating to FM and Community Radio

We, the international organisations state that:

1. Nepal is a respected leader in the sub-regional and international radio communities for the development of FM and community radios, and they significantly contribute to promoting democracy, peace and stability;

2. We value the experience and contribution of the independent radio movement to media democratisation and stress the need to strengthen this initiative in the future;

3. The government must refrain from imposing any restrictions on the broadcast media, including increases in license fees and licence renewals, and from the establishment of a non-independent broadcast authority.

4. The allocation of civil licences to the Royal Nepal Army will increase the militarization of the country and promote military propaganda, as well as divert public resources and advertisement revenue away from the existing FM and community stations to the army corporate sector;

5. The obstruction of radio equipment being imported into the country is of grave concern as is the confiscation of equipment, as happened in the cases of both Kantipur FM and Sagarmatha Radio;

6. Media facilities and infrastructure must not be used or damaged by the combatant parties in military exchanges and any damage sustained to media infrastructure be immediately compensated, as in the case of Paschimanchal FM in Palpa district.

6. Observations and Recommendations relating to Journalists Associations

We, the international organisations, state that:

1. The government must desist from interference in media associations, particularly from its policy of attempting to divide the media community by supporting the creation of parallel media associations, such as the National Federation of Journalists – Nepal (FENAJ). Equally, media practitioners must respect the independent principles of journalism and maintain their genuine independence from government;

2. The dismissal of media practitioners in the state and pro-government media as a result of their refusal to join FENAJ is cause for grave concern.

7. Observations and Recommendations addressed to the International Community

We, the international organisations, state that:

1. The international community must continue to address violations of press freedom and freedom of expression in Nepal, and seize every opportunity to promote these rights vis-à-vis the national authorities

8. Follow-Up by the International Mission

The international organisations will produce a mission report providing further substance and detail relating to the observations and recommendations outlined above.

The international organisations will continue to work with the national partners to monitor, document and condemn internationally all violations of press freedom and freedom of expression. The mission also commits to work with and assist those persons and institutions in Nepal that are defending press freedom and freedom of expression.

9. Background to the International Mission

In response to continued violations of press freedom and freedom of expression in Nepal, twelve international organisations have undertaken a joint mission to Nepal from 20 to 25 March 2006. The mission is a direct continuation of the previous International Mission in July 2005. The members of the Mission have met with a broad cross-section of the national media community to discuss the press freedom and freedom of expression situation. They have also met with key institutions and decision-makers among the national authorities, political parties, judiciary, civil society and combatant parties to stress the need for unconditional respect for press freedom and freedom of expression.

In addition, the Mission visited three regions in Nepal - Pokhara, Surkhet and Birtamod - and met with local civil authorities and representatives of the local media. The members of the Mission also participated in a national conference on press freedom in Nepal held in Kathmandu on 24 March.

The twelve international organisations participating in the mission included:

- ARTICLE 19
- Free Voice
- International Federation of Journalists
- International Freedom of Expression Exchange - IFEX
- International Media Support
- International News Safety Institute
- International Press Institute
- Reporters sans Frontières
- South Asia Press Commission
- United Nations Educational, Scientific and Cultural Organisation - UNESCO
- World Association of Community Radio Broadcasters - AMARC
- World Press Freedom Committee

Three other international organisations, which participated in the July 2005 mission, are supporting the return mission in March 2006. These organisations include:

- Committee to Protect Journalists
- Press Institute of India
- World Association of Newspaper

The mission has been organised in collaboration with twenty-eight local organisations, institutes and networks in Nepal.

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