



9 February 2009

JOINT STATEMENT

International Press Freedom and Freedom of Expression Mission: Rapid Response Assessment Mission to Nepal

The International Press Freedom and Freedom of Expression Mission (also known as the International Media Mission) visited Nepal from 5 to 8 February to undertake a rapid response assessment of the press freedom situation in the country. The International Mission was represented by ARTICLE 19, International Federation of Journalists (IFJ), International Media Support (IMS), International Press Institute (IPI), Reporters Without Borders (RSF), UNESCO and World Press Freedom Committee (WPFC).

Press freedoms in Nepal continue to face serious threat despite the hope that restoration of democratic rule would improve the situation.

The Federation of Nepali Journalists (FNJ) recorded a staggering 342 press freedom violations in 2008 alone, including a significant escalation in the number of physical attacks on journalists and media houses. Four journalists - Uma Singh, J.P. Joshi, Birendra Sah and Pushkar Bahadur Shrestha - have been killed since 2006. The International Mission calls on the authorities to undertake prompt, independent and impartial investigation of these and all other cases of murder and disappearances of journalists.

Another journalist, Prakash Singh Thakuri, has been missing since July 2007. Late last year the Government withdrew charges against the accused, who was earlier released on bail. Prime Minister, Pushpa Kamal Dahal, assured the International Mission that the case would be reopened. The International Mission also calls for an investigation into killing of Dekendra Thapa, after his remains were found last year.

The International Mission is deeply worried over the attacks on media houses, including Kantipur, Himal Media, Ankush Daily, Ramaroshan FM and APCA Group. Such attacks on media workers, publications and property are unacceptable. Those responsible must be held accountable for their actions. Any substantive grievances over work conditions must be addressed through dialogue and negotiation.

The International Mission is concerned that due process is not being observed in the cases against Rishi Dhamala, Ram Subhak Mahato, Birendra K.M., Manoj Mahato.

The reported kidnapping of Pankaj Das in Birgunj whilst the International Mission was in the country must be swiftly followed-up by the authorities.

The ongoing attacks, threats and harassment of media personnel and organisations are having a chilling effect on press freedom. Free and open debate is being undermined with journalists and media being forced into self-censorship, seriously jeopardising the peace and democratisation process currently underway in the country.

A pattern in the attacks and harassment is discernible. Critical reporting is being met with violence and perpetrators go unpunished. The authorities are failing in their duty to prevent, punish and redress the harm caused by such attacks. The violations of journalists' rights is a direct infringement of the public right to information. Furthermore, the links between political parties and some the perpetrators of these violent acts are a matter of serious concern and would indicate the acceptance, and possible complicity, of those political parties in the violence. The Nepali constitution and international covenants that Nepal is signatory to place a positive obligation on the State to prevent these abuses.

Conditions for women journalists, already seriously underrepresented in the profession, are of particular concern as they are more vulnerable to attack and harassment, and are being forced to leave their work and sometimes to move away from home due to such pressures.

The International Mission notes that as of now, not one person has been convicted for a criminal act against journalists and media houses, and calls on the Prime Minister and Government to follow-up their commitment to end impunity. Moreover, the International Mission demands that all acts of violence against journalists and the media end immediately.

The International Mission urges the Government and political parties to implement the recommendations for freedom of expression and press freedom outlined in the *Agenda for Change* document as swiftly and fully as possible. Specifically, the International Mission draws attention to the following six points, which should be addressed in accordance with international standards and best practice:

- ❖ Guarantees of freedom of expression for all and press freedom must be enshrined in the new constitution;
- ❖ The Right to Information (RTI) Act should be properly enforced so as to give practical effect to the presumption in favour of disclosure;
- ❖ The Government should end control of media and introduce Public Service Broadcasting;
- ❖ An independent regulator for broadcasting should be created in place of direct government control;
- ❖ Criminal defamation should be abolished and defamation should be addressed only through civil law;
- ❖ The Working Journalists' Act should be implemented and accompanied by regular dialogue between media workers and owners.

Furthermore, the International Mission urges the Constituent Assembly to form a committee to deal with the reforms outlines in the *Agenda for Change*, as well as to follow and respond to the press freedom situation in the country.

The International Mission is convinced that all media stakeholders must rally around the common goal of safeguarding freedom of expression. The International Mission urges the international community to support the national media community in its efforts to defend press freedom.

The International Mission remains committed to supporting and defending freedom of expression and press freedom in Nepal together with its national partners.

FURTHER INFORMATION:

- The International Mission travelled to Nepal in February 2009 with only two weeks notice on the request of the Federation of Nepali Journalists and other members of the Nepali media community. The International Mission met with the Prime Minister, Ministers, Constituent Assembly, leaders of Government and opposition political parties, heads of security agencies, media, and civil society organisations. Mission members also visited Janakpur in Dhanusha District, where the journalist Uma Singh was murdered on 11 January 2009.

The International Mission incorporates fifteen international organisations, including UN agencies, global media associations, freedom of expression advocates and media development organisations. This is the sixth visit of the International Mission to Nepal, the previous trips being in July 2005, March 2006, September 2006, January 2008 and April 2008.

The International Mission thanks the Federation of Nepali Journalists and other national media organisations involved in preparing and hosting the visit, acknowledging the importance of close cooperation with national stakeholders and ensuring a nationally-driven process for ensuring press freedom in Nepal

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- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.