

Joint Statement

Nepal International Media Partnership International Mission to Nepal for Promoting Freedom of Expression and Safety of Journalists

22 April 2015

The Nepal International Media Partnership (NIMP) visited Nepal from 19 to 23 April 2015 to assess the media freedom situation in the country. The International Partnership was represented on this mission by AMARC, ARTICLE 19, Centre for Law and Democracy (CLD), Committee to Protect Journalists (CPJ), International Federation of Journalists (IFJ), International Media Support (IMS), Open Society Foundations (OSF), Reporters sans Frontières (RSF) and UNESCO.

This is the eighth International Mission to Nepal over a period of ten years, starting with a mission in July 2005. The strength of the Partnership is founded on our shared long-term objective of promoting freedom of expression in cooperation with local stakeholders, including public sector actors and civil society. The climate for media freedom has changed dramatically over the ten-year lifespan of the Partnership; there have been successes but at the same time important challenges remain. The International Partnership focused on two key areas. The first was the creation of a specialised mechanism to address attacks on journalists and human rights defenders and the culture of impunity, and the second was the ongoing need for legal and policy reform.

“Following a decade of engagement by the International Partnership, we welcome the steps being taken to foster a safer working environment for journalists, human rights defenders, and others who are under attack for exercising their right to freedom of expression in Nepal,” the Mission said. “At the same time, a great deal of work lies ahead in terms both of developing the mechanism and of creating a supportive legal and policy environment for freedom of expression and, as organisations committed to these goals, we pledge our support to ensure this progress continues.”

I. Protection and Addressing the Culture of Impunity

The International Partnership welcomes the progress that has been made in terms of establishing a specialised mechanism, overseen by the National Human Rights Commission (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. The establishment of such a mechanism was a key recommendation of the 2012 International Mission as well as of its key partner organisation, the Federation of Nepali Journalists (FNJ), and the importance of the mechanism remains as high today as ever. The International Partnership notes the inclusion of the mechanism in the 2015-2020 Strategic Plan of the NHRC, the identification of a lead commissioner for this work, the extensive consultations that have taken place and the fact that concrete proposals for how the mechanism should work are now being developed.

The International Partnership remains strongly committed to the establishment and success of the mechanism, and pledges to provide ongoing support to the process. We note the following points:

- The mechanism should be comprehensive in its coverage of journalists, human rights defenders and others who are under attack for exercising their right to freedom of expression, while the focus should remain on the dual roles of providing protection and addressing the culture of impunity.
- It is important that the various stakeholders involved in developing the mechanism continue to refer to international standards in this area, including the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, and lessons learned from other countries which have put in place analogous mechanisms.
- The strength of the mechanism lies in ensuring close collaboration between the NHRC and the FNJ and other civil society actors, and it is essential that this remains a central consideration in its design.
- The above can only be achieved if there is ongoing and extensive consultation with interested stakeholders in the design and establishment of the mechanism. The mechanism depends on high levels of commitment from official actors, including the police and the Office of the Attorney General.

II. Law and Policy Reform

The International Partnership notes that progress in the area of law and policy reform since the restoration of democracy in 1990 remains relatively limited in terms of both the adoption and implementation of progressive legal rules. As with the mechanism, the International Partnership remains committed to supporting the development of a legal and policy framework for the media which meets international standards regarding freedom of expression.

Strengthening Proposed Constitutional Guarantees

The International Partnership prepared a detailed analysis of three of the new constitutional proposals – namely for the freedoms of expression, of the media and of information – following the 2012 Mission (available at: <http://www.freemedia.at/newsview/article/nepal-must-improve-press-freedom-international-groups-say.html>). The recommendations set out in that analysis remain relevant today, since the proposals have not changed. We note that, while relatively strong, the text of the proposed guarantees is not fully in line with international standards and better international practice. We welcome the fact that all key actors who met with us indicated their support for improving the constitutional proposals on these key freedoms. We call on the political parties and members of the Constituent Assembly to review these draft provisions with a view to strengthening them so as to provide a robust basis for these rights in the new constitution. To support this process, the International Mission, in consultation with its local partners, will prepare specific proposals for strengthening the current proposals.

Development of a Media Policy in line with International Standards

The International Partnership welcomes efforts on the part of the Ministry of Information and Communications to develop a comprehensive media policy to provide guidance and structure for development efforts in this area. After the 2012 Mission, the Partnership called

for “the development of a comprehensive, progressive media policy in Nepal, which is non-discriminatory in relation to all media.” We note that the document needs to be the subject of broad consultation with interested stakeholders leading to further development and improvement. The policy should aim to promote the development of a free, independent and pluralistic media in Nepal, in line with international standards. Key priorities, among others, are to ensure the independence of bodies with regulatory powers over the media, to transform the government-owned media into public service media and to put in place a democratic regulatory system for broadcasting. The International Partnership will, in consultation with its local partners, prepare a detailed set of comments for the Ministry to support its development of the Media Policy.

Implementation of the Working Journalists Act

Despite the fact that it was adopted more than 20 years ago, implementation of the 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. We note that, at a meeting one month ago, the Development Committee of the Legislative Parliament instructed the government to take action against anyone who refuses to respect the Working Journalists Act and to report back to the Committee within three months. The International Mission calls on the government and prosecutorial authorities to take effective steps to ensure proper implementation of this Act. We also call upon media owners and editors to fulfil their responsibility to uphold the law. We welcome ongoing dialogue between FNJ and journalists and media owners on the implementation of the Act aimed at ensuring that the core commitments in the Act are respected.

Reforming the Contempt of Court Bill

In June 2014, the Government of Nepal tabled a Contempt of Court Bill before the Legislative Parliament which would have severely limited the ability of the media and others to engage in public interest debate about the administration of justice. The International Partnership welcomes the fact that, for the first time ever, the Legislative Parliament published the Bill in the Official Gazette and officially called for a public consultation. We call on the Constituent Assembly to ensure that the law that is finally adopted fully respects constitutional and international standards relating to freedom of expression.

About the International Partnership

The International Partnership travelled to Nepal from 19-23 April 2015 at the request of the Federation of Nepali Journalists and other members of the Nepali media community. The International Partnership met with the Chairperson and other Members of the Constituent Assembly, Ministers, political party leaders, human rights bodies, including the National Human Rights Commission, donors, media owners and media and civil society organisations.

The International Partnership comprises fifteen international organisations, including global media associations, freedom of expression groups, media development organisations and UNESCO. This is the eighth visit of the International Partnership to Nepal, the previous trips being in July 2005, March 2006, September 2006, January 2008, April 2008, February 2009 and February 2012.

The International Partnership thanks the Federation of Nepali Journalists for preparing and hosting the visit, and acknowledges the importance of close cooperation with national stakeholders and ensuring a nationally driven process for promoting freedom of expression and the safety of journalists in Nepal.

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