

Freedom Forum's Annual Report- 2011/12

1. INTRODUCTION:

1.1 Brief Introduction to Organization:

Freedom Forum is a non-governmental organization, working for the institutionalization of democracy, protection and promotion of human rights, press freedom and freedom of expression and right to information in Nepal. This is a purely social organization registered with the District Administration Office of Kathmandu and the Social Welfare Council of Nepal. Its head office is in Kathmandu, Nepal.

Basically, the organization works in the area of policy research, evidence-based advocacy and campaign, capacity building and media mobilization. Freedom Forum has five regional contact offices in regional centers to coordinate programs at local level. It has 11 executive committee members and 60 general members.

1.2 Aims and Objectives:

- Promotion of democracy and institutionalization of democratic republic in Nepal
- Promotion and protection of press freedom and freedom of expression
- Monitoring the situation of human rights and civil liberty
- Taking necessary initiative for reconciliation and peace building
- Contribute to promote public accountability and transparent governance.
- Promotion of the Right to Information through building capacity of demand and supply side.
- Provide input to the Constituent Assembly during constitution drafting process.
- Undertake action research and advocacy on its main thematic areas.

1.3 About the Report:

This is an annual report explaining the major activities accomplished and achievements made by Freedom Forum during a year-long period spanning from July 17, 2011 to July 15, 2012. The primary objective of the report is to document the actions, learning, observations and outcomes of the organizational initiatives and demonstrate its track record and competence to execute ideas aligning the key themes of the organization. The report is expected to serve as a well-documentation of the key efforts of the organization to attain its objectives and a consolidated contribution Freedom Forum made to the country's national development objective.

Information contained in this report have been widely taken from the regular newsletters, project documents, programme completion report, press releases, website update, meeting and discussion notes,

2. Major Activities and Accomplishments:

The major activities Freedom Forum carried out during the period are presented in a following manner.

2.1 Partnership Programmes:

Partnership programme refers the projects or interventions executed in collaboration with different funding agencies.

I. PROJECT NAME: "Strengthening Political Parties, Electoral and Legislative Process (SPELP) in Nepal"

DURATION: March 2011 to June 2012

BENEFICIARIES: working journalists, media experts, researchers, policy-makers, legal practitioners, legislators, right defenders

FUNDING AGENCY: Internews

PROJECT OBJECTIVES: In order to meet the overall goal of strengthening political parties, and electoral and legislative process, the project had the following objectives:

- Undertake regular monitoring of media situation and report it on website,
- Develop a website as resource hub on media, election and political developments,
- Promote website as easy and common platform for journalists to make it interactive,
- Prepare monthly reports on Nepali media, election and political development, update in the website, and publish and disseminate,
- Prepare and disseminate the news of the violation of press freedom and civil rights,
- Main an archive of publications, including election laws and journalists' code of conduct
- Provide basic social network where the visitors (journalists) can interact on the subject matter
- Update relevant news stories, expert views with the option of comments

PROJECT OUTCOMES:

- A content-rich website-www.nepalelectionchannel.org developed.
- More than 500 items (news stories, stories of press freedom violation, expert views, reports, documents, international instruments, code of conduct) related to media, election, and politics updated.
- Two journalists were catered legal justice with litigation support of the Freedom Forum. Journalist Ram Prasad Dahal who was sacked by the Rajdhani daily in 2005 was restored to his post in May 2012 with the untiring legal support of the Freedom Forum. He was also compensated. Similarly, journalist Sita Ram Parajuli of the Jwala weekly who was taken in illegal detention was compensated with Rs. 15,000 by the government. Freedom Forum had provided free legal support to journalist Lamichhane. In addition to this, journalists from different parts of the country were advised how they could be safe in case of threats and other risks while carrying out their duties.
- 10 reports on electoral and political developments and 10 others on media were produced. Even a two-week special media report was produced and updated in the website.
- Stakeholders sensitized on the issues of election, media and politics

MAJOR ACTIVITIES

- **Development of website:** The major activity which can be taken as a success of the project is the development of website- www.nepalelectionchannel.org. It is both in English and Nepali versions so that both Nepali and English language users can learn many more about Nepal's media, election and politics.
- **Monthly Reports on media, political and electoral developments:** Freedom Forum, since beginning month of the project prepared monthly reports on Nepali media, and political and electoral developments.
- **Cases of Press Freedom Violation Updated:** More than 80 incidents of press freedom violation have been updated in the website (English). Similar number of cases is in the Nepali versions. Follow the link for the respective versions and press freedom violation stories:

Website Version	Link
Nepali	http://www.nepalelectionchannel.org/nepali/media-watch/press-freedom-violation.html
English	http://www.nepalelectionchannel.org/english/media-watch/press-freedom-violation.html

- **Legal Support to Journalists:** Legal advice was provided to a dozens of journalists in different parts by the project advisor. Lately, two court verdicts were made in favour of journalists' rights with legal facilitation of the Freedom Forum.

KEY LEARNING:

- Need of resourceful website for journalists felt
- Political stability could better help meet objectives of project
- Political parties/ leaders and journalists are in need of awareness of modern technology as use of computer, internet, email
- Self-censorship among journalists is one of the threats to free, fair and professional journalism
- Need of social media growing for journalists for news and research
- Better cooperation among partners in project could bring better results
- Very poor investigative journalism was

II. PROJECT NAME: Improve the Safety of Journalist through Trainings

DURATION: July-November, 2011

BENEFICIARIES: 51 working journalists from radio, television and print media operating in vulnerable area and the journalists in media leadership

FUNDING AGENCY: UNESCO, Kathmandu

PROJECT OBJECTIVES:

- Improve accountability, ethical and professional standards in journalism
- Enhance knowledge, skills and awareness among journalists to deal with conflict sensitive situation while covering and imparting news

PROJECT OUTCOMES:

- 51 working journalists from radio, television and print media operating in vulnerable area and the journalists in media leadership trained. Of the 51, 15 were women which is 33.4 per cent of the participation.
- A 32-page comprehensive training manual followed by 42-page standard reading materials on safety of journalists prepared
- Three loose networks each in three regions established to strengthen information mechanism to foster journalists' safety.
- Altogether 25 incidents of press freedom violation recorded during the period from June 15 to September 15 reflecting the objective situation of Nepali press.
- 22 alerts and some updates of anti-press incidents released and disseminated to national and international stakeholders through email group and website nepalpressfreedom.org.np
- Confidence of journalists to deal with conflict sensitivity boosted up when they were imparted skills and knowledge required to adopt to avoid violence
- Well-coordination among journalists, security agencies, National Human Rights Commission (NHRC) regional offices, Nepal Red Cross Society district branches and community leaders established with the commitment to work for the safety of journalists
- On-hand experience of victim journalists in terms anti-press incidents shared and documented providing an opportunity to get along the objective situation of press in the vulnerable areas.
- Collective commitment of journalists expressed for professional journalism, abidance of code of conduct and free expression

MAJOR ACTIVITIES:

Altogether three trainings held in the regions covering journalists from 22 districts. First slot of the training was in Sindhupalchowk from August 22-24 involving 17 journalists while second and third were in Rajbiraj of Saptari district from September 5-7, and Thakurdwara of Bardiya from 19-21 September 2011, respectively.

A 32-page comprehensive training manual on journalists' safety was prepared and published incorporating the theoretical and practical aspects required by journalist to deal with safety issues.

As a subsidiary component of the project, Freedom Forum continuously monitored the press freedom situation of Nepal focusing on the attacks and violence against journalists. The Media Monitoring Desk of the Freedom Forum undertook this activity by mobilizing its network across the country. Altogether 25 incidents of press freedom violation recorded during the period from June 15 to September 15 reflecting the objective situation of Nepali press.

Likewise, Freedom Forum issued 22 alerts and some updates of anti-press incidents released and disseminated to national and international stakeholders through email group and website nepalpressfreedom.org.np. Likewise, all the alerts and updates have been widely disseminated through the websites of Freedom Forum (www.nepalpressfreedom.org) and International Freedom of Expression Exchange (IFEX) -a global network of non-government organizations working to defend and promote the right to free expression.

KEY LEARNING:

- Safety has been raised as a major challenge facing by journalists in all the training-implemented districts. The major factors triggering trouble to journalists are weak state and growing impunity, bad practices (yellow journalism, partisan journalism, non-abidance of code-of-conduct, greed for money, bias reporting, no verification, hate speech etc), lack of skills and preparation, professional safety (no insurance, no appointment letters) and standards. 70 per cent of the press freedom violation incidents were found occurred due to media content.
- Need of inclusive training realized.
- Coordination and cooperation with security bodies was realized for journalists' safety.
- The safety training to journalists was always relevant and had growing need. More journalists were interested to take part in the training.
- Many journalists out of the valley were less known about the legal know-how, safety measures, code-of-conduct and understanding conflict sensitivity
- Journalists from other districts having poor press freedom situation have rising demand for training after knowing the subject matters of safety. It was deemed necessary in western region and eastern hilly region due to vulnerable situation and the training programme could not accommodate journalists from all geographical area of the regions.

III. PROJECT NAME: 'Outlining National Policies and Bill for Public Service Broadcasting In Nepal'

DURATION: November 2010-July 2011

BENEFICIARIES: media houses and broadcasting agencies, Radio Nepal, Nepal government,

FUNDING AGENCY: UNESCO, Kathmandu

PROJECT OUTCOME:

- PSB Model Law Outlined
- Current status of broadcasting sector assessed the need of the PSB in Nepal identified;
- New avenues and ways for legal reform of PSB identified
- The recommendation made for the different stakeholders, paving the ways for improvement
- Issues concerning accountability and management of PSB in Nepal flared up

PROJECT OBJECTIVES:

In order to meet overall goal of the project following objectives were set:

- To assess current status of broadcasting with regard to PSB in Nepal,
- To explore acceptable model of PSB keeping in mind the national context and international standard,
- To undertake constant lobby and advocacy for the adoption of Act requiring improved PSB
- To improve accountability, structure and content of broadcasting organizations.

MAJOR ACTIVITIES:

- **Preliminary Study:** An initial study focusing on the current status, need and challenges of the broadcasting sector of Nepal was conducted and a background paper entitled 'Current Status, Feasibility and the Way Ahead of PSB in Nepal' was prepared. The paper took account of substantive comments received from experts and stakeholders of broadcasting reforms. The research was focused on identifying current situation of broadcasting sector including contemporary trends and problems.
- **Meetings with Stakeholders:** With a view to imparting the importance and need of the PSB in Nepal to the government officials and engage government line agency in the process of outlining PSB, different rounds of meeting with parliamentarians, concerned government officials, i.e., representatives from Ministry of Information and other government's bodies and State broadcasters (Nepal Television and Radio Nepal) were held.
- **National Thematic Workshop:** Some 65 persons including media professionals, educators, Constituent Assembly (CA) member, senior government officials and other media stakeholders were brought together in the workshop on January 24 to discuss and draw inputs for PSB in Nepal. The workshop based on background research paper was held in Nepal Television (NTV) Hall engaging Federation of Nepali Journalists (FNJ), Chapter of NTV as a key stakeholder.
- **Formation of Taskforce:** A five-member taskforce including Mr. Dhruba Hari Adhikari, senior journalist, Mr. Taranath Dahal, media expert and Chairperson, Freedom Forum, Mr. Rajendra Sharma, broadcast expert, Mr. Rajendra Nepal, former under-secretary (legal), Ministry of Information and Communication, and Mr. Shree Bhadra Wagle,

senior engineer, Radio Nepal has been formed. The taskforce was formed to prepare a national PSB policy and draft PSB bill in close coordination with stakeholders and experts.

- **Theme Papers Development:** The task of developing theme papers on the areas of structure, content and policy of PSB was accomplished. A paper on structure was framed by Radio Nepal Director Tapanath Shukla while community radio activist Raghu Mainali developed paper on content part of PSB. Freedom Forum developed another paper on PSB policy. The theme papers addressed all major aspects, required state policy, structure and mechanism and content of PSB.
- **Meeting with CA members and Concerned Government Officials:** Formal and informal meetings with the CA members held twice in order to leverage the lobby for the endorsement of PSB bill. A comprehensive briefing of the process was made among the parliamentarians and government officials (representatives of Ministry of Information and Finance Ministry).
- **Thematic Workshop:** In the backdrop of growing need of clear policies, laws and regulations specifying PSB in the country, a thematic workshop on 'Content, Policy and Structure of Public Service Broadcasting' was organized in Godawari, Lalitpur on 29 April, 2011 as an attempt to ensure media pluralism, diversity and quality journalism in broadcasting sector. On the occasion, media expert, Raghu Mainali presented a working paper on 'PSB: Concept and Practice' talking about the features of the PSB as non-profit, independent, widest range of content, non-commercial and universality.
- **Consultative Meeting on PSB Bill Draft:** In order to fine tune the draft, yet another consultative meeting on PSB Bill Draft held at SAP Falcha, Thapathali, Kathmandu on June 27, 2011. In the consultative meeting, various persons including the media experts and journalists furnished specific suggestions to make the Bill better.
- **Meeting with CA Members:** A final meeting was held to elicit comments and feedbacks on the Draft Bill of PSB after incorporating the suggestions by the experts and stakeholders. A meeting took place with the CA members as a final consultation in SAP Falcha on July 3. A final policy paper and draft was sent earlier to the invitees.

KEY LEARNING

- The existing state broadcasters — Nepal Television and Radio Nepal — could be transformed into independent public service broadcasters.
- Radio Nepal and NTV still lack the inherent qualities of public service broadcasting because both are government-owned media having no independence from political and commercial interests.
- Introducing public service broadcasting is the need of time as Nepal is currently passing through post-conflict situation with new political set up of federal democratic republic.
- The issue of public service broadcasting has become more relevant at this moment when the voice for inclusion and diversity has been invariably flared up from local and central level.

- The adoption of a new public service broadcasting law is needed, setting out in detail the mandate and structure of these bodies, including accountability and funding.
- The government should form an independent entity to operate public service broadcasting (the body may supervise other broadcasting entity as well).
- The government can form National Public Broadcasting Authority and operate PSB entity through this Authority.
- Political will from all sides is imperative to avert political intervention and endorse PSB law incorporating the provision of diversity in delivering programmes of main tastes, Interests and needs as well as matching the full range of opinions and beliefs.
- PSB not only at national (central) level rather it should be arranged at provincial, regional, local and international level. Its service should be universal in terms of geography, language and technology

IV. PROJECT NAME: Developing Handbooks on Social Accountability with some case studies and contents in Nepalese Context

DURATION: Jan to April 2012

Beneficiaries: economists, policy makers and shapers, civil society, Finance Ministry, researchers, students,

Project Location: Kathmandu

FUNDING AGENCY: Program for Accountability in Nepal (PRAN)/World Bank

PROJECT OBJECTIVES:

This primary objective of preparing a handbook is to contribute to map and document knowledge on SA practices and enhance civil society's skills to track public money spending.

PROJECT OUTCOMES:

Publications of four books on Budget Monitoring:

- Budget Formulation and Citizens' Monitoring
- Public Procurement and Citizens' Monitoring
- Performance Evaluation and Citizens' Monitoring
- Auditing and Citizens' Monitoring

MAJOR ACTIVITIES:

- **Selection/translation of relevant portions of a book:** Keeping in mind the Nepali context, some of the important portions of the book, 'Our Money-Our Responsibility' is translated

- **Writing/re-writing of the texts followed by research on the selected portions:** Research was carried out on the content to be developed so as to make the text compatible to the Nepalese context. Description of the relevant portions such as budget cycle and budget monitoring, legal arrangement, background and practices involved in procurement process, public expenditure monitoring and tracking, impact assessment of development results and services, audit process, citizens and CSOs engagement in promoting social accountability and use of various tools was written.
- **Development of SA related case studies:** Nepali best cases studies are developed after conducting research on how the right to information as a tool to promote social accountability has been used in Nepal.
- **Editing and lay out design of the text:** The content generated for each of the handbooks is be edited and fine tuned. The editorial team finalized whether the content is developed to serve the purpose of the initiative.
- **Print and publish the handy booklet:** The multi-colored booklets have been printed and published in the number of 1,000 each in the beginning. The book is reprinted as per the need of the publisher.
- **Progress Report:** Freedom Forum prepared and submitted two reports (mid-term and final report) of the three-month project. The report was developed incorporating the progress made on the activities.

KEY LEARNING

- Bringing out citizen's guide to monitoring government expenditures with case studies is central to engage civil society in budget process
- The guide is very much useful to advocate for budget transparency and accountability at grassroots level
- The case studies and the theoretical description of the best practices on monitoring public money by CSOs serve as a guide to increase CSOs interventions in advancing social accountability.
- The theoretical content of the guideline contributes to fortify knowledge part while the case studies are keys to inspire practitioners to improve their works in the sector.
- Organized resources in book form could attract readers and researchers

V. PROJECT NAME: A Study on Aid Transparency Situation in Nepal

DURATION: November 25, 2011 to June 30, 2012.

BENEFICIARIES: Donor agencies, government, project officers and manager, national and international organizations, civil society, researchers, policy makers and shapers,

FUNDING AGENCY: Development Initiatives Poverty Research Ltd, Wells, UK

PROJECT OBJECTIVES:

Overall Objective

- To contribute in achieving national developmental goal through improved accountability, transparency and aid effectiveness in foreign assistance in Nepal.

Specific Objective:

- To assess the aid transparency and accountability situation amongst the leading donor agencies in Nepal and
- To collect evidence on the best approaches to achieve the above and amplify lessons about the importance of transparency at country level.

PROJECT OUTCOMES:

- Enhanced capacity of the organization (Freedom Forum) to collect, analyze use aid information
- Test use of Right to Information (RTI) with donors for tracking aid information
- Developed a report to explain the best methods for collecting information from donors and linking this information to funding information at district level
- Prepared a report to document process, experiences of developing and testing methodology, lessons learnt outcomes and need for better aid information
- Collected required data/information about foreign aid flows and its transparency measures at central and district levels
- Increased understanding of the pattern and channels of foreign aid flows and its efficacy
- Better knowledge about the donors' attitude to the current foreign scenario of Nepal
- Developed basic understanding and awareness among donors and key stakeholders on the issues of aid transparency and effectiveness
- Stronger commitment and sensitivity to aid transparency from both the demand and supply sides.
- Increased sensitization of the policy level on the use of Right to Information (RTI) to increase access to aid information
- Identified the project's focused area and critical issues to work on aid transparency
- Prepared comprehensive project document for the second phase to replicate best practices and approaches

MAJOR ACTIVITIES:

The major activities conducted during the project are:

- Check list of the activities prepared
- Methodology workshop held to finalise the study design, methodology and questionnaire.
- Consultation and coordination meetings held with different stakeholders
- Separate questionnaires developed to collect information from central level, district/project level and beneficiary level and the questionnaire was tested with World Bank.
- Both primary and secondary data were collected to fulfil the objectives of the study. In order to verify the data collected from the primary sources, the secondary sources were used.
- Desk review, consultation, field survey, key informants interviews, case studies conducted for data collection.
- Data Entry and Processing done
- Data Disaggregation
- Major Findings shared with MoF, OAG, FCGO, selected donor agencies and other stakeholders for their comments/feedbacks. Comments received from them were incorporated in the report.
- Lists of agencies covered during study:

Category	Name of Agencies	Type of Agency	Study Approach
Central Level	UNDP	UN Agency	Purposive Sampling
	World Bank and ADB	Multilateral Agencies	Purposive Sampling
	USAID, Norwegian Embassy and JICA	DFID, Bilateral Agencies	Purposive Sampling
District Level			
Chitwan	CFLG (UNDP)	UN Agency	Purposive Sampling
	District Agriculture Development Office (WB), District Education Office (ADB)	Multilateral Agencies	Purposive Sampling
	Practical Action (DFID), LGCDP (JICA), District Health Office (USAID), District Health Office (Norway)	Bilateral Agencies	Purposive Sampling
Dolka	CBDRM/ ECARDS – UNDP	UN Agency	Purposive Sampling
	Tamakoshi-Manthali-	Multilateral	Purposive

	Khurkot Road Project Agencies (ADB), RRRSDP/DDC (WB)	Sampling
	Women and Children Empowerment/TUKI Association (Norway) ¹ , One Village One Product (Lokta Project)/FNCCI (JICA), School Sector Reform Project/DEO (USAID), LGCDP /DDC (DFID)	Purposive Sampling
Beneficiary Level	Chitwan	Five Beneficiaries
	Dolkha	Five Beneficiaries

KEY LEARNING:

The research team has come with number of observation and key learning in course of pilot study. They are,

- The presumption that donors respond to the queries or letters with due course of time without much delay, doesn't seem to be entirely correct.
- Finding designated officer at the donor agency was very challenging.
- Transparency level as claimed by donor agencies is not found in practice. There is discrepancy between what is stated and what is practiced.
- Knowledge level on ATA amongst heads of district/project offices seems very low. The project beneficiaries do not seem to have any knowledge on ATA at all.
- ATA has not been the priority issue amongst the donor agencies as the representatives of only two organizations turned up on methodology workshop and three on the sharing workshop though all seven agencies were informed.
- A systematic and standard tool to measure the level of aid transparency could be developed.
- Research to locate transparency situation of donors is quite time-taking and rigorous process
- Involvement of donor agencies' representatives in research process is very difficult as they tend to avoid any meeting and gathering related to ATA
- Accessing information from donor agency to measuring up their openness and transparency is difficult as many of them seem reluctant to provide information. It is rather difficult to acquire budgetary information from them by general public.

- Hierarchy/administrative hassle within donor agencies makes difficult to contact the right person for information.

V. PROJECT NAME: Strategic Campaign for Promoting Demand for Information (ongoing)

DURATION: June 12, 2012 to March 12, 2013

FUNDING AGENCY: The Asia Foundation

BENEFICIARIES: Youths below 20 with at least plus two education from the districts covered by the project.

PROJECT OBJECTIVES:

Development Objective

To improve transparency and accountability through better implementation of Right to Information Act 2007.

Immediate Objectives:

1. To increase the capacity of individual citizens to advocate for promoting RTI culture
2. To make better environment for implementation of RTI law through proactive demand side of information.

MAJOR ACTIVITIES:

A. RTI Support Centre Set Up: Under the project, Freedom Forum set up an RTI Support Centre on its office premises, Thapathali, Kathmandu the first week of July, 2012, with a goal to promote right to information in Nepal thereby strengthening accountability and transparency in governance. The Centre is essentially providing backstopping, follow-up and monitoring support to information requesters during the process beginning application filing to the recipient of information. In addition, it is providing service to those seeking facilitating support in course of using RTI ACT to demand information. The Support Centre is led by the RTI facilitator.

B. Course/Curriculum Development: After different meeting with expert team and stakeholder, a 21-page internship training course curriculum has been finalized. It has defined specific objectives, target groups,, activities, timing, methodology, evaluation along with an outline of the training course.

C. Preparation for RTI Request Campaign: Freedom Forum began discussion among the concerned staffs of the project about the areas/sectors where RTI requests could be launched as campaign. Possible public agencies were discussed for the selection to demand information.

PROJECT OUTCOMES

- A RTI support centre equipped with human and technical sources come into operation

- A 21-page comprehensive curriculum of RTI internship/training course curriculum with session plans finalized
- Process to select participants from stated 10 districts for internship/training initiated

VI. PROJECT NAME: OPEN BUDGET SURVEY-2012

DURATION: August 2011 to March 2013

BENEFICIARIES: Government (Ministry of Finance), general public, national and international organizations, civil society, researchers, policy makers and shapers,

FUNDING AGENCY: International Budget Partnership (IBP), Washington DC, US

PROJECT OBJECTIVES:

The major objectives of the initiative are:

- Comprehensive assessment of:
 - public access to timely & comprehensive budget information throughout the budget process
 - opportunities to participate in the budget process
 - strength of oversight: legislatures & external auditors
- Enhance equity and credibility of policy choice
- Improves effectiveness and efficacy of budget execution
- Contribute to increase budget transparency level through evidence based advocacy

PROJECT OUTCOMES:

- Budget transparency index of Nepal developed showcasing the level of budget information availability to public and citizen's engagement in budget process
- Enhanced capacity of the organization (Freedom Forum) to collect, analyze and use central budget information
- Gaps in budget transparency of Nepal clearly identified and recommendations for improvement presented

MAJOR ACTIVITIES:

The major activities conducted during the project are:

- **August-October (2011):** Draft questionnaire completed
- **January-February (2012):** IBP reviews draft questionnaire
- **February-April:** Peer + Government Review
- **April-July:** Questionnaires are finalized
- **August-**Database is created
- **September-December:** Final Report and Material Production
- **March (2013):** Global, National and Regional Launches

2.2 CORE PROGRAMME: Core programme means the initiatives that Freedom Forum regularly conducts in a bid to promote its core values. These programmes do not necessarily seek donors money rather are undertaken with own resources and means.

I. FOUR NEWSLETTERS PRODUCED

Freedom Forum published its newsletter- The Free Expression- for four times during this fiscal year. However, it has included five issues- issue 17 to Issue 21. There is a double Issue 17-18. The newsletters have clearly mentioned our core activities and the projects we carry out as per the organizations' goal and objectives. The newsletter is our most important dissemination tool. The dissemination of newsletters is carried out through email/internet, website and hardcopy. Our regular activities and projects activities are published in the newspaper. The five issues of the newsletters of this fiscal year have contained the matters mentioned in the items below.

II. SPECIAL MEDIA MONITORING REPORT PRODUCEDS

A special two week (May 8-24, 2012) Report on Nepali Media was prepared citing the overwhelming attack on media during the period the deadline to promulgate constitution (May 27, 2012) was approaching fast. Amidst the chaos triggered by the protests and bandas, Nepali media received flurry of attacks, threats, vandalism, intimidation and different forms of harassments from the demonstrators and *banda* enforcers of various ethnic groups in different parts of the country. The role of media was completely ignored by the supporters of *banda*. Rather, they treated journalists as their enemies. Journalists were made the main targets during the banda. Most of the cities- Chitwan, Pokhara, Nepagunj, Itahari including the capital city, Kathmandu, became battleground in a sense the journalists faced hard times in course of reporting. During this period, Freedom Forum recorded a total of 88 incidents of press freedom violation occurred across the country.

II. SION FORMED

Information officers serving central public agencies of the Nepal government including ministries and constitutional bodies have established their own network, making strong commitment and vision to leverage the RTI movement and its better practices.

The network was formed on May 15, 2012 in the name of 'Society of Information Officers, Nepal (SION)' initially on the involvement of dynamic information officers of central agencies will have broad-based participation of other information officers working with different agencies.

It is the tangible outcome of the Freedom Forum's continuous effort and facilitation to organize public information officers and to expedite RTI implementation in a proactive manner.

The Society has been set up with Spokesperson and Information Officer at the National Vigilance Centre (NVC) Under Secretary Sher Bahadur Dhungana as its Coordinator.

IV. SEMINAR ON EDUCATION AND SOCIAL JUSTICE HELD

Freedom Forum organized a national seminar on Education and Social Justice in collaboration with the National Commission for UNESCO in the capital on May 28, 2012. Two working

papers- Social Justice in Modern Education by Dr Ananda Poudel, Director of the Curriculum Development Centre and Social Justice in Oriental Education System by senior litterateur Dr Tulsi Bhattarai were presented in the seminar. At the program presided over by Freedom Forum Chairperson Taranatha Dahal, Vice-Chairperson Hari Binod Adhikari shed light on the objectives and agenda of the seminar. The seminar was very fruitful to discuss the weaknesses and provisions in Nepal's educational programmes and system relating to the social justice. It has helped create debate in the educational system about social justice.

IV. US MEDIA EXPERT- TALK PROGRAMME ORGANIZED

Freedom Forum organized a talk programme with a visiting Associate Professor of Journalism and Mass Communication of Arizona State University Dr Joseph Russomanno in the capital in July 2011. "Failure to implement the existing laws concerning press freedom has made the Nepali press sector feel wretched," he said, adding, "Nepal's strong constitutional provisions on the press alone won't uphold press freedom, so the government and political parties should be serious to implement in practice the laws related to media." The Freedom Forum also arranged interview with him on July 27, 2011. Also the meetings, and interactions with various media related agencies including Ministry of Information and Communication, Radio Nepal, Nepal Television, Mass Media College were arranged by the Freedom Forum.

V. LEGAL SUPPORT TO JOURANLIST

Freedom Forum has also been advocating the rights of journalists by providing them free legal support in case of need. As a trend-setting case in Nepal, journalist Ram Prasad Dahal, victimized by the media owner (employer) turned victorious over his battle with employer for the professional rights with the legal support of the Freedom Forum. Mr Dahal who was sacked illegally by Chairman of Utsarga Publications, Mahendra Sherchan, from the *Rajdhani* daily as reporter in 2005 finally won the legal battle with the court order asking Sherchan to provide due remuneration to Dahal with restoration in the daily. The Bagmati Regional Labour Office, Teku, issued the order on July 18, 2012 in the presence of Office Chief Nabin Kumar Pokhrel. Similarly, with the legal facilitation of Freedom Forum, journalist Sita Ram Parajuli of Jwala Weekly got justice in the case of torture. The government had to provide Rs 15,000 as compensation to Mr Parajuli as per the court order of April 25, 2012.

VI. WORLD PRESS FREEDOM DAY 2012 REPORT MADE

Freedom Forum prepared the world press freedom day report 2012 of Nepali media by covering the one year period from May 1, 2011 to April 30, 2012 under the title, "**Nepali Media under Constant Terror**". **As per the report**, the number of the incidents of press freedom violation dropped slightly compared to the last year. A total of 96 incidents of press freedom violation occurred this year throughout the country, down by 5 in comparison with the last year. The Media Monitoring Desk of the Freedom Forum recorded a total of 96 incidents of press freedom violation this year (May 1, 2011-April 30, 2012). According to the Monitoring Desk, there were 14 cases of manhandles while 15 death threats, 1 murder, 15 threats, 5 loots, 1 journalist in

detention, 6 beatings, 11 newspapers burning, 10 vandalism, 9 attacks, 1 injury, 2 arson, 3 obstruction, 1 intimidation, 1 arrest, and 1 raid.



VI. KC AWARDED 'COURAGEOUS JOURNALISM AWARD'

This year's Courageous Journalism Award was presented to Rajesh KC, cartoonist of Nagarik daily on May 3, 2012. The award is presented every year jointly by International Press Institute (IPI), Nepal Chapter, and Freedom Forum to a journalist on the occasion of World Press Freedom Day. Journalist KC was felicitated with the award in recognition of his long contribution to freedom of expression through the medium of cartoon.

VII. RTI STRATEGIC CAMPAIGN:

This year Freedom Forum has intensified its efforts on RTI focusing on information request campaign, capacity building through training, research and discussion. The Forum kept on its efforts to strengthen the right to information (RTI) regime to build and support democratic values in the governance in Nepal. Considering the need of well-informed citizenry for strengthening democracy, Freedom Forum has been prodding the public agencies for transparency and accountability with the use of RTI as an apt tool.

In this connection, Freedom Forum conducted strategic campaigns and sought information of various kinds with Ministry of Finance, Nepal Oil Corporation (NOC), Foreign Ministry and Legislature-parliament. The major activities carried out under this thematic area are as follows.

CAMPAIGN AGAINST INFORMATION CLASSIFICATION: PROTECTION OF LAW

After the government classified information secretly in December 2011, Freedom Forum launched a campaign against this. Citing the news in the media that Nepal Government determined the categorization of the information about the public bodies as per the clause 27 of the Right to Information Act 2007, the Freedom Forum Chairman Taranath Dahal on January 10 drew the attention of Chief Secretary.

January 12, 2012:

Freedom Forum (FF) seeks information about information classification with Chief Secretary of Nepal Government

January 24, 2012:

Freedom Forum (FF) learns about information classification

January 25, 2012:

- a. Dharmendra Jha, FF board member, published a byline news about information classification in the *Annapurna Post*,
- b. FF makes information updates on information classification,
- c. FF issues press release against information classification,
- d. Office of the Prime Minister drawn attention towards this,
- e. FF Chairman gives interviews on radio and TV on information classification

January 27, 2012:

- a. FF holds stakeholders' meeting in Kathmandu to garner suggestion about information classification
- b. Democratic Lawyers' Association (DLA) files writ petition against information classification at Supreme Court

January 29, 2012:

- a. FF participates in the street protest against information classification

b. Dr Ram Krishna Timilsina, former registrar of the Supreme Court, files writ petition in Supreme Court demanding the revocation of information classification.

January 30, 2012:

- a.** Nationwide protest against information classification
- b.** The Supreme Court issues stay order in the name of government on information classification responding to the DLA writ petition

February 1, 2012:

- a.** The Supreme Court for second time issues stay order in the name of the government to not implement information Classification in response to the writ filed by Dr Timilsina,
- b.** Considering the pressure from various quarters, the Office of the Prime Minister and Council of Ministers finally issues circular to all ministries and concerned bodies not to implement the information classification.

Nepal Oil Corporation Case: Making Public Enterprises Accountable

At a time Nepal was reeling under the acute shortage of petroleum products, Freedom Forum sought information with the NOC as of free distribution of petrol, diesel, and kerosene. Also demanded were the information as who were provided petrol free of cost and on which scale and standard since 2006, and what were purchased amount, rate and sale prices of each time with clear date.

The NOC, sole distributor of petroleum products in Nepal, provided partial information after frequent prods from the Freedom Forum and with the directive of the National Information Commission.

On April 9, 2012, the NOC provided 75-page long information to the FF. The information shows there was no policy and scheme of distributing fuel. It was clear that the NOC provided fuel randomly to the bigwigs.

The partial information of the NOC revealed it distributed a total of 37,824 litres of petrol and 29,484 litres of diesel free of cost to the bigwigs since fiscal year 2008-09.

But the list was full of anomalies. NOC failed to provide all vehicle numbers to which it distributed petroleum free of cost. The Executive Chief in the NOC exercised his rights to distribute the fuel.

Distribution of fuel without keeping record points to corruption. Even the numbers that it has provided seem bogus as they don't mention zones or the alphabets. Coupon numbers mentioned in the list are also not in order. Moreover, there is no buying and selling rate of petroleum products as demanded by the FF.

The NOC was bound to provide information and the NIC had issued a verdict on March 20, 2012 ordering the Chief of Nepal Oil Corporation (NOC) to compulsorily provide information to the Freedom Forum about the free distribution of oil, diesel and petrol, and its buying and sales details within 15 days of the verdict, reasoning that it was illegal to deny information by the NOC, a public agency, on this as per the RTI Act 2007.

The FF had first filed an application in the NOC seeking information on December 27, 2011.

Freedom Forum has again moved the National Information Commission (NIC) on June 28, 2012 again regarding the denial of Nepal Oil Corporation to provide complete information the FF sought.

Although the NOC had provided partial information to the FF as per the NIC directive on April 9, 2012, it did not abide by the NIC directive to provide all information.

The clause 10 (d) of the Right to Information Act mentions, final decision should be taken with necessary action on the appeal within 60 days. The FF had appealed in the NIC about this on April 10, 2012, making defendant to NOC Chief Suresh Kumar Agrawal, and demanded action as well. But nothing further is provided by the NOC though 60 days of the appeal passed.

Therefore, the FF wants to know what is going on about the appeal further development is on this.

Earlier, after the directive of the NIC, the NOC, on April 9, 2012 provided 75-page long information to the FF. It showed there was no policy and scheme of distributing fuel. The NOC provided the fuel randomly to the bigwigs.

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Seeking information with the NOC about distribution of fuel is an intervention on public enterprise as per the RTI Act to make the enterprise transparent and accountable.

Free distribution of fuel by NOC

2011-12 Petrol – 535 litres Diesel – 590 litres

2010-11 Petrol – 8,936 litres Diesel – 8,740 litres

2009-10 Petrol – 15,812 litres Diesel – 11,014 litres

2008-09 Petrol – 12,541 litre Diesel – 9,140 litres

Earlier, the Information Commission had issued a verdict on March 20, 2012 ordering the Chief of Nepal Oil Corporation (NOC) to compulsorily provide information to the Freedom Forum about the free distribution of oil, diesel and petrol, and its buying and sales details within 15 days of the verdict, reasoning that it was illegal to deny information by the NOC, a public agency, on this as per the RTI Act 2007.

Also, the Commission summoned NOC Chief to present himself before the Commission to clarify why he could not be punished as per the Act for he denied information sought by the Freedom Forum as per the Act.

The Commission verdict was expected to render great effects and impact on the public bodies like NOC to be transparent by abiding by the RTI Act, but the NOC denied complete information.

Freedom Forum has, therefore, appealed to the NIC for move clear and complete information about the freed distribution of fuel today.

Earlier, the Freedom Forum, on March 20, had filed application in the Commission demanding action on the NOC for it denied information violating the RTI Act.

The Freedom Forum, on December 27, 2011 had filed application addressing NOC Chief demanding the information but he denied it.

Freedom Forum had sought the following information with NOC for the first time on December 6, 2011:

- a) Complete details about the free coupon of petroleum products distributed to the persons/offices by the NOC since July 17, 2006 till date (name and address of the persons/office getting petroleum products, amount provided and petrol pump and date)
- b) On which basis the NOC has provided the free coupon; photocopies of any policy documents or guidelines or decision if has any
- c) Amount of the petroleum products and LP Gas the NOC purchased and sold, and details of purchase and retail prices since July 17, 2006 (separate purchased amount and sale prices of each time with clear date)

As the NOC is a public body, every Nepali citizen has the ownership on it. Its administrative and financial activities must therefore be transparent to all Nepalis.

Rome Statute Ratification Process: Promoting Human Rights Perspective

The Foreign Ministry, on February 29, 2012, provided most of the information the Freedom Forum sought about the government activities carried out for the ratification process of the Rome Statute.

The Ministry provided a complete 20-page copy of the information on a report submitted to the then Deputy Prime Minister and Minister for Foreign Affairs on December 14, 2006 by a study team formed by the government as per the directive of the House of Representatives on October 18, 2006 to ratify the ICC Statute.

Similarly, it informed Freedom Forum that it proposed the Council of Ministers to become party state to the Rome Statute on February 5, 2009.

But, regarding the third question as when Nepal government was tabling proposal on endorsement of the Rome Statute in the Legislature-Parliament/House of Representatives, the Foreign Ministry said as the process of becoming party state to the Rome Statute was not complete, it could not guess when the government would table the proposal for endorsement.

However, it took long time for Freedom Forum to get the information. First, the Ministry unheeded the information seeking, so Freedom Forum moved to the Ministry Secretary on January 16, 2012 as per the RTI rule. Yet again, the Ministry denied information and wrote it to Freedom Forum on January 23, 2012, reasoning the classification of information which directed the Ministry to protect information.

Untiringly, the Freedom Forum moved to the National Information Commission on February 6, 2012. The Commission directive on February 12 finally forced the Ministry to provide information to the Freedom Forum in accordance with the RTI Act.

Earlier on December 26, 2011, the Freedom Forum had filed an application in the Ministry of Foreign Affairs seeking information about the government efforts made in the process of ratification of the statute of the International Criminal Court (ICC).

In line with the Right to Information Act, Freedom Forum Chairperson Taranath Dahal, for the study, filed the application in the Ministry seeking the photocopy of a report submitted to the then Deputy Prime Minister and Minister for Foreign Affairs on December 14, 2006 by a study team formed by the government as per the directive of the House of Representatives on October 18, 2006 to ratify the ICC statute which is also known as the Rome Statute.

Also sought along with this were the information and details about the activities the government was carrying out for the endorsement of the Rome Statute like when the government was presenting proposal in the Legislature-Parliament for the endorsement.

Legislature-Parliament: Enhancing Parliamentary Accountability

Similarly, the legislature-parliament on April 20, 2012 provided most of the information sought by the Freedom Forum. It provided the following copies of reports of the Public Account Committee - first report (2049BS), fifth report –Part 1 and 2 (2053BS), sixth report-Part 1, 2, 3 (2053BS), seventh report- Part 1 and 2 (2054BS), eighth report (2055BS), ninth report (2055 BS), eleventh report (2056BS), twelfth report (2058 BS), thirteenth report (2063BS), fourteenth report (2063 BS), fifteenth report (2064 BS), sixteenth report (2067 BS), and seventeenth report (2068 BS) of the Public Account Committee.

The parliament, however, did not provide second, third, fourth and tenth reports of the PAC.

As per the clause 3 of the Right to Information (RTI) Act, the Freedom Forum had sought the copies of the reports of the Public Account Committee (PAC) of the legislature parliament and House of Representatives from 2048 BS to 2068BS.

Ask the political parties campaign: Promoting Political Accountability

In a bid to make the political parties transparent and accountable, the Freedom Forum launched a campaign by seeking information with the political parties representing in the parliament.

The Right to Information (RTI) Act 2007 has defined political parties as public bodies, so they are obliged to proactively disclose information of their entire activities in a routine manner.

Premised on this very provision of the RTI Act 2007, right activists in the Freedom Forum sought the following information with the parties:

1. Name of information officer in the central office of the party, his telephone number and email.
2. What is the official media to disseminate the news and information about the party? Does the party have any mouthpieces, website, newspaper, radio or notice board (citizens' charter)? If any, information about this.
3. Has the party formulated any formal policy on dissemination of information? If formulate, copy of the policy.
4. What is the total number of the members in the party? Is the membership of two or more types? If any, what are these and the information about these.
5. How many staffs does the party have for full time? Information about this.
6. Are there any leaders and office bearers receiving regular perks and benefits? If any, provide information about the monthly perks and benefits to them.
7. Does the party get regular donation in addition to its members? If gets, give information about those providing more than 20,000 donations in the recent three years.

8. Has the party invested in any business, hospital, media, cooperatives, bank, finance, school, college, commercial building, transport service, and share in any firm? Detailed information about this.

9. Information about the fixed asset (land, house etc) of the party and the party using.

10. Does the party carry out annual auditing? If carries out auditing, provide copies of the reports of the auditing of recent three years.

11. Copies of the party's statute, regulations, directives and other policy level documents.

The political parties are not only public bodies but also the entities to propel the agenda of transparency and accountability. Therefore, the parties are urged to provide information by internalizing the essence and emergence of the RTI as a tool to foster people responsive governance.

VAT Scam: Debunking Private Sector Corruption:

It is the landmark achievement in the Right to Information (RTI) regime in Nepal when the Nepal government Finance Ministry finally compelled to provide with information about the multibillion Value Added Tax (VAT) scam bowing to the strength of RTI laws in Nepal.

On October 30, 2011, the Finance Ministry imparted information to requester, Freedom Forum Chairperson, Taranath Dahal as per the National Information Commission (NIC)'s verdict in the name of Finance Ministry secretary, Krishna Hari Baskota.

The NIC had issued verdict to provide with a photocopy of the VAT evasion study report-2067 BS including its annexes 1, 4 and 7 free of cost by upholding the spirit of the Right to Information (RTI Act-2007 within 15 days on October 27.

The act has clearly established the overriding effect of RTI laws by making all other laws governing VAT and Income Tax nullified. The landmark decision is a key to promote information culture in Nepal thereby making the public agencies more accountable to people.

The information demonstrated that some 437 reputed industries and enterprises were involved in the VAT scam. Mr. Dahal had filed an appeal with the NIC in line with the Right to Information (RTI) Regulation-2008 on August 15 2011, citing dissatisfaction over the Finance Ministry's decision of non-disclosure of information on tax evaders.

Through the verdict, the NIC has not only issued directives to the Finance Ministry to uphold the letter and spirit of the RTI as a commitment to promote openness and transparency but also explained the overriding effect of RTI laws on other legal arrangements.

Mr Dahal, as per the Right to Information Act, had filed an application in the Finance Minister on July 10, 2011, seeking detail information the tax evaders and a complete photocopy of a report of a probe committee on VAT evasion but in vain.

After all, the move has come to protect and promote information culture. Freedom Forum welcomes the move and urges all the information activists and media to march ahead in the greater campaign of RTI in Nepal.

viii. Campaign for freedom of expression:

Being a promising civil society organization working with the objective to promote freedom of expression and its corollary-press freedom-in Nepal, Freedom Forum has continued its campaign in this respect.

This year too the Forum's sensitivity followed by consistent efforts for the protection and promotion of press freedom through regular monitoring, research, policy watch and inputs, publication, legal support, networking and advocacy has served as an impetus to be the part of people's fundamental rights.

Among the major accomplishments made by Freedom Forum for the consolidation and strengthening of freedom of expression and of press are constant lobby and advocacy for the constitutional guarantee of freedom of expression and for media policy reform, media campaign including issuance of alerts/press release seeking national and international stakeholders' support and solidarity for free press, public awareness, analysis of media-related laws and inputs for improvement.

Likewise, monitoring of freedom of expression and of press and update/alert circulation across the globe through International Freedom of Expression Exchange (IFEX) and national and international network members shows the FF's commitment to its core value of democracy.

During the period, the Forum issued more than a dozen press releases on the sensitive issues of freedom of expression that includes 'Government's move to sabotage free press', 'Film Development Board Against Freedom of Expression', 'Securities' act of preventing journalists from making news condemned', 'Abominable murder of journo and serial attack on press deplorable', "Government's move to classify information be withdrawn", 'FF concerned over war between court and press', 'NIC's Verdict on Multibillion VAT Scam Laudable' and 'Cabinet's decision to dissolve IT Commission concerned', among others.

3. FREEDOM FORUM IN SPECIAL EVENTS:

- Freedom Forum Chairperson Taranath Dahal participated in the Annual Council Meeting of IFEX in Beirut of Lebanon from May 30 to June 3.]
- Freedom Forum Executive Director Krishna Sapkota took part in a three-day 'Open Budget Survey 2012 Methodology Training, organized by International Budget Partnership in Bangkok, Thailand on July 27-29, 2011

- Chairperson Dahal attended a 'Asian Civil Society Consultation on National Security and Right to Information organized by Institute for Defense, Security and Peace Studies, Open Society Foundations and FOURM-ASIA, among others in Jakarta, Indonesia on November 8-10, 2011
- Freedom Forum Executive Member Chiranjibi Kafle participated on 'South Asia Learning Programme on Right to Information' organized by Commonwealth Human Rights Initiative (CHRI) in New Delhi and Gujarat, India on November 13-23, 2011.
- Chairperson Dahal attended a 'Design Wo4rkshop of Communities of Practice on Right to Information' organized by ANSA-SAR at BRAC Centre, Bangladesh on January 22-25, 2012
- Chairperson Dahal and Executive Director Krishna Sapkota attended the 'Regional Workshop on Advancing Public Participation and Accountability in the Budget Process' organized by ANSA-SAR, Programme for Accountability In Nepal (PRAN) and World Bank Institute in Kathmandu on June 4-6, 2012
- Executive Director Sapkota and Admin/Finance Officer Anirudra Neupane participated in two-month long 'E-learning on Social Accountability in the South Asia Region' organized by World Bank Institute on June-July, 2012
- Finance Officer Neupane attended a five-day training on 'Aid Transparency' organized by International Budget Partnership (IBP), Development Initiatives, Publish What You Fund, Global Campaign for Aid Transparency and Tiri.