



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

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Nepal: Media Ordinance creates legal cover for unlawful Government practices

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In a report released today the International Commission of Jurists (ICJ) said that Nepal's Media Ordinance is in violation of Nepal's international human rights obligations and the Nepali Constitution and called on the Government immediately to repeal the Ordinance.

"The Ordinance seeks to provide a legal cover for unlawful practices and restrictions used by the Government to suppress freedom of the media and the right of Nepalis to receive information," said Nicholas Howen, ICJ Secretary-General.

Since its promulgation in October, the Ordinance has been used to justify raids on radio stations, seizure of radio transmission equipment, enforcement of restrictions on broadcasting news and detention and harassment of journalists.

"Enforcement of the Ordinance will have a chilling effect on the media and lead to greater self-censorship as journalists try to predict when the authorities will try to silence a newspaper or broadcast or close down whole media operations," said Nicholas Howen.

The report released today, *Power to silence: Nepal's new Media Ordinance*, describes how through the Ordinance the Government is trying to roll back some successes journalists have had in defending their legitimate democratic space to speak and write, including by: prohibiting news broadcasts, suppressing criticism of the Government and discussions in the media that are seen as politically sensitive for the Government, severely limiting access to foreign media and enabling the Government to bar journalists from working professionally.

Freedom of expression is not absolute. But the restrictions in the Ordinance do not meet the strict three-part test under international law that any limitation on free expression must satisfy. Many of the vague and ill-defined provisions open the door to arbitrary and abusive application of the law.

"The purpose of the Ordinance seems to be to close down critical media, rather than legitimately regulating the media," said Nicholas Howen.

The ICJ welcomes the fact that the Supreme Court has issued two interim orders instructing the Government not to enforce aspects of the Ordinance. The ICJ will follow closely these cases and the constitutional challenge to the validity of the Ordinance.

The ICJ is disturbed by media reports that that the Maoists have violated their 12-Point Understanding with the seven-party alliance by harassing a group of journalists, seizing their media equipment and abducting Ram Dahal, a UNDP programme coordinator, in Taplejung district on 1 December. The ICJ calls on the Maoists to take immediate steps to put their commitment to respect human rights and press freedom into action.

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The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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