



Barren Land of Press Freedom

Annual press freedom report 2008-09

APFA-Bhutan

Barren Land of Press Freedom

Bhutan Press Freedom Report 2008-09

Publication: Barren Land of Press Freedom
Bhutan Press Freedom Report 2008-09

Published by
Association of Press Freedom Activists (APFA)-Bhutan

Address in Exile
GPO Box 8975 EPC 2377 Kathmandu, Nepal
www.apfanews.com
Email: apfa2004@yahoo.co.uk

Year of Publication: May 2009 (first print)

Number of copies: 2,000

© APFA-Bhutan

Reproduction or citation of the contents in this booklet is permissible only for 'not-for-profit' publications with due credit to APFA-Bhutan.

Publication series: 7/5

Barren Land of Press Freedom

Annual Press Freedom Report of Bhutan 2007-08

Editor
I. P. Adhikari

Assisted by
Vidhyapati Mishra
Buddha Mani Dhakal

Association of Press Freedom Activists
APFA-Bhutan

Preface

When system changes, expectations are always high for obvious reasons. Bhutan cannot be an exception for this. The kingdom adopted the democratic political system last year, despite denial for last two decades.

The leaders are same and the bureaucracy is same. Educational materials have not changed and civic awareness is extremely poor. Under such circumstances, it certainly is slower for development to take place.

Even then, the pace Bhutan's democracy is running must be like snail. It is rather a guided democracy where people are entitled to talk of their rights and responsibility but only after seeking permission from authority, at least not directly.

That forced us to term Bhutan as the barren land for press freedom, a democracy where media house get fined for holding a discussion criticizing minister. Additionally, our concern is towards the budding media industry facing pressure from money makers to talks for their benefit, not for the general benefit, like in the case of Bhutan Times.

Nation getting two daily newspapers is worthy to note for this year but sustainability has been in question owing to small readership and advertisement marketing. The marketing is likely to go unfavorable until government does not withdraw its regulation where organizations, agencies or individuals are not entitled to

invest more than two percent of their income into advertisement. This is indirect blow for killing media industry.

Interesting to note, the elected government has not opened is formal office to communicate with media which helps to strengthen democracy but royal palace has come forward for making itself close to media.

This report contains two parts: first dealing with media situation for the last one year. Second: the achievements we made during our four years of struggle for media freedom in Bhutan from exile.

We thank everyone who helped us financially, physically and morally helping us reach this stage. We expect similar support in the days to come.

Part I

Situation of Press Freedom between May 3,
2008 and May 2, 2009

In March 2008, Bhutan stepped into democracy, ending its century-old absolute monarchy with two royal parties in the field. With a formal written constitution being adopted on July 18, there were expectations that the right to free speech and the right to information would be widened and that the media would begin growing and functioning as a source of relevant information for larger sections of Bhutan's estimated 680,000 population, that excludes the Bhutanese in exile. It did not and, desperately, showed little signs to that direction.

The government once again has reiterated its commitment to improve the relation between the parliament and the budding media industry in the country. In an effort to that direction, a seminar on 'Parliament and Media' was organized in Thimphu, where secretary of the Ministry of Information and Communication Kinley Dorji, who until recently had been working as editor of government-owned Kuensel newspaper, said policies will be formulated to strengthen media in three areas: quality, infrastructure and the independence of content. He promised government support to the media in "capacity enhancement" of journalists and urged media personnel to be mindful of their "social responsibility".¹

Yet another FM station was announced to go on air². One of the pioneer and oldest educational institutions of the country, the Sherubtse College in

¹ <http://www.apfanews.com/media-monitor/building-parliament-media-relations/>

² <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=12118>

Trashigang in March 2009 said it will shortly have its own FM radio – Shertse FM – though Royal University of Bhutan is yet to introduce journalism in its curriculum.

The college is the first among Bhutanese educational institutions to host a radio station and once the radio starts its operation, it will be the first radio of eastern Bhutan. Other FM stations are located in Thimphu. The Shertse FM will have educational and entertainment programs. Founded by a former student from the same college Namgyel Dorji, programs for FM radio will be managed and produced by the students of the college themselves. About 15 students have already been enlisted to work with the FM radio, the management said. Bhutan InfoComm and Media Authority (BICMA) approved the license of the FM station in March first week and is funded by UNICEF³.

The Bhutan Times, the first private newspaper in the country, cut off its 15 employees out of 80 in its bid to sustain with the squeezing markets and downsizing return from the market. It also closed its publication unit which used to bring out books on various subjects.

The publication, which brings out the Bhutan Times weekly newspaper in English and Dzongkha, said this was done reluctantly in order to reduce the overhead cost, thereby enabling the company to survive in the market. The paper started as weekly and quickly upgraded as bi-weekly but was forced to lessen frequency of publication from bi-weekly to weekly again⁴. The paper

³ <http://www.apfanews.com/media-monitor/sherubtses-own-fm-radio/>

⁴ <http://www.apfanews.com/media-monitor/bhutan-times-terminates-employees/>

faced additional hardship due to dispute between the management and investors. After much speculation of terminating Chief Executive Officer (CEO), the board of directors (Ugyen Dorji - former Speaker, Ugyen Tshechup Dorji, Phub Zam, Dago Bida, Wangcha Sangay) decided that CEO of the paper Tenzin Rigden will continue in the same position. There seems to be a curious group of people who were very serious towards the independent role of media for it to foster. Members in the online forum of Kuensel and Bhutantimes.com have adequately voiced against attempted termination of CEO and interference into editorial matters by investors. The directors, mostly the business entrepreneurs, were dissatisfied for ignorance of the paper to cover businesses they are attached to. It had undermined the editorial independence of the paper.

Facing pressure from the board, Rigden had resigned as CEO. The dispute began when the management decided without consent from the board to increase the frequency of the paper from weekly to bi-weekly, terminating 15 employees and then closing the book publication wing.

The paper has around Nu 23-25 million in unpaid dues. About Nu 6-8 million of this was the result of the newspaper management investing in the citizen's initiative for coronation and centenary celebrations (CICCC), of which the board members' approval was also not sought. An investment close to Nu 3.5 million was also made in the publications but only about Nu 0.3

million worth of books were sold⁵. The board has now appointed Phub Zam of Yarkey Group of Companies as the business manager of the newspaper.

The government promoted Kuensel editor Kinley Dorji to the post of secretary of Ministry of Information and Communication in February this year. He assumed his office later that month⁶. Chencho Tshering succeeded Dorji as the managing director of the paper, who traditionally also holds the position of Chief Editor. With a journalist in desk of the ministry, budding media industry of the country expects to get greater support from the government.

One bus driver and his conductor sued the Bhutan Observer (BO) weekly alleging that false news story published in the paper resulted in the loss of jobs for them. The case was filed at the Thimphu district court by Dorji and his assistant Tenpa Wangdi of Meto Transport on January 21. The case is still pending⁷. They said they were sacked from jobs on January 17 following a newspaper story which said the bus carried extra passengers, overcharged and misbehaved with them⁸.

After severe tussle with the media houses, the Bhutan InfoComm and Media Authority (BICMA) formed a tribunal to look into complaints, both on behalf of the media and about it, in February⁹.

⁵ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=12297>

⁶ <http://www.apfanews.com/media-monitor/moic-secretary-assumes-office/>

⁷ <http://www.apfanews.com/media-monitor/court-called-against-bhutan-observer/>

⁸ Also see Kuensel February 11, 2009

⁹ <http://www.bicma.gov.bt/backissues/board.htm>

The formal notification by this media regulatory body said that Bhutan InfoComm and Media Appellate Tribunal was formed as per section 198 of the Bhutan Information, Communication and Media Act, 2006. It said, the presiding officer of the Appellate Tribunal is a retired or sitting high court judge, with two other members, who are well versed in the field of ICT, law or administration, as per the provision in the Act¹⁰.

It has so far received only one complaint. The case is filed by Paro-based cable operator Sigma Cable against the BICMA for imposing fine of Nu 9,000 by the authority for allegedly providing eight extra channels to viewers. Along with Sigma Cable, the authority had fined Nu 3,000 to TD Meto, also based in Paro. Meto paid the fine while Sigma refused¹¹.

The implications of the large-scale displacement of ethnic Nepalis from Bhutan – a long-running sore in political ties within the South Asian region – were highlighted by the case of Shantiram Acharya, a journalist once associated with the newspaper published by Bhutanese in exile in Nepal, The Bhutan Reporter. Acharya was arrested in January 2007 while seeking to enter Bhutan from Indian territory and convicted shortly thereafter but the case came to public only in January 2009 when APFA received the court verdict given by the High Court on Acharya’s case. He has been convicted to seven-and-a-half-years imprisonment, on “terrorism” charges. Global human rights groups and media freedom

¹⁰ <http://www.apfanews.com/media-monitor/bicma-forms-tribunal-media/>

¹¹ <http://www.apfanews.com/media-monitor/cable-operator-complains-against-bicma/>

bodies believe that he may have fallen victim to a draconian Bhutanese law that criminalizes the return of Bhutanese in exile to the country.

International Media Mission while in Nepal had expressed its concern towards arrest of Acharya¹². Global Human Rights Defense (GHRD)¹³, Kathmandu-based Center for Human Rights and Democratic Studies (CEHURDES)¹⁴ and International Federation of Journalists (IFJ)¹⁵ among others expressed concern over his arrest and jail term. In a bid to protest the Bhutanese authority's decision The Bhutan Reporter monthly, where he was associated, left its editorial blank for February 2009 edition. APFA-Bhutan, the publisher of the paper, in its front page stated it was deeply concerned towards Bhutanese authority's decision to sentence its former correspondent.

Though the Bhutanese constitution guarantees the right to free speech and expression, there have been a few events over the year, which have shown that the newly installed elected government is yet to accept the practices and norms of an independent and critical media.



Minister Nanda Lal Rai

¹² <http://www.apfanews.com/media-monitor/intl-mission-concerns-acharyas-case-media/>

¹³ <http://www.apfanews.com/stories/ghrd-urges-to-review-trial-of-acharya/>

¹⁴ <http://www.ifex.org/en/content/view/full/100298>

¹⁵ <http://asiapacific.ifj.org/en/articles/ifj-calls-for-leniency-for-journalist-jailed-in-bhutan>

In January this year, the BICMA fined Bhutan Broadcasting Service (BBS) TV for holding a public discussion where speakers criticized the government official, Minister for Information and Communication Nanda Lal Rai, on quality of taxi service.

The International Federation of Journalists (IFJ) said it was concerned that a fine of Nu 18,000 was levied on the BBS saying it is contrary to the spirit of media freedom and may lead to undue restraints on the exercise of free speech in Bhutan¹⁶.

BICMA said it found the panel discussion aired by the broadcaster on the quality of a pre-paid taxi service was contrary to the media code of conduct, prepared by the bureaucrats when Bhutan was still to emerge as a democratic country, in force. The discussion was telecasted in December.

Some of the speakers invited to the program allegedly attacked officials of Bhutan's government. There was no official representative on the program to speak on behalf of the government.

A letter dispatched by the BICMA says that it finds no adequate justifications to consider such panel discussions as fair, decent and balanced in line with the Code of Ethics of Journalists. (*See annex for code of conduct prepared by the government for journalists*)

The BBSC management, but, clarified that a representative of the Road Safety and Transport Authority (RSTA) was invited to participate in the

¹⁶ <http://asiapacific.ifj.org/en/articles/fine-on-bhutan-broadcaster-contravenes-spirit-of-media-freedom>

program, but left shortly after making his initial comments¹⁷

Not the private media, which are expected to be more vocal in working for strengthening press freedom and right to speech and expression, but government-owned Kuensel came forward for defending BBS (*See box story*). Following a critical write-up by Kuensel against fining BBS, the government authorities also interrogated Kuensel journalists¹⁸.

For reasons to do with terrain and the state of basic services, radio is the most accessible media for most of Bhutan's population. A media impact study by Center for Media and Democracy (CMD) revealed that radio still has been the primary source of information for common Bhutanese while newly emerged print media have greater role in influencing decision making at government level.

The BBS radio has covered 33.8 percent of the listeners followed by BBS TV (29.5 percent) and Indian TV (22.3 percent), the research conducted among 1,191 people said. Language, dress, behavior, thinking and culture are primary areas influenced by media. Though media today has emerged as critical player in politics and democracy, they lack stuffs for children.

49.4 percent respondents say BBS radio is their source of information while 37.6 percent BBS TV and Kuensel has just 27.5 percent share. On the other hand,

¹⁷ <http://www.apfanews.com/stories/fine-contravenes-spirit-of-media-freedom-ifj-media/>

<http://www.apfanews.com/stories/bbs-fined-for-holding-discussion-media/>

¹⁸ (Kuensel 22, 2009)

private radio stations are source of entertainment: Kuzoo FM 35.8 percent, since private radio stations are not entertained to air news and news related programs. International TV (21.7 percent) and BBS TV (7.7 percent) also inject entertainment capsules.

Following the establishment of local radio stations, number of foreign radio listeners has dropped from 33.7 percent in 2003 to nine percent in 2008. BBS TV, launched in 2006, overtook international channels, increasing its viewers from 30 percent to 54 percent during that period.

Newspapers are least popular: 34.6 percent read Kuensel, 21.7 percent Bhutan Times and 20.9 percent Bhutan Observer. Though Dzongkha was the most popular language for TV and radio, for newspapers, English is the preferred language. 14.1 percent said Kuensel as credible source of news, while 6.5 percent said Bhutan Observer and 6.2 percent said Bhutan Times.

Five districts representing the east (Trashigang), west (Thimphu), south (Sarpang, Chukha) and central (Bumthang) regions were covered by the study with 600 rural and 600 urban households¹⁹.

The Citizens' Initiatives for Centenary and Coronation Celebrations awarded Kuensel's chief reporter, Kencho Wangdi, with "Best Election Reports". The award is given for his excellent coverage on country's first general elections. The award carried a cash purse of Nu 25,000. Bhutan Time's Mitra Raj secured second

¹⁹ <http://www.apfanews.com/stories/radio-influences-mass-newspaper-rules-decision-making-media/>

award and Bhutan Observer's Sonam Pelden stood for third²⁰.

Almost five years after the government restricted the number of TV channels to 33, the BICMA approved the airing of some additional music and sports channels to cable operators in Thimphu.

In 2004, after a media impact study, the then Bhutan Communication Authority, restricted many cable TV channels from being broadcast in the country on the ground that these channels aired excessive violence, glamorized drugs, and showed explicit content. Music channels like MTV, channel V, Zee music, the fashion channel FTV, and a sports channel Tensports, were banned.

The additional channels now allowed are Zee music, MTV, STC music, S1, S2, channel V and Tensports. However, BICMA had warned cable operators to refrain from airing channels that broadcast explicit or violent content.

Bhutan on the day of Hindu's second largest festival Deepawali got its first daily newspaper named Bhutan Today. Buddhists monks were invited to pray for its success on the occasion of its lunch on October 31. The first daily, an eight-page morning paper, is priced at Nu 5. In its first editorial, the daily complained of unfair competition and said other papers asked the Ministry of Information and Communications to deny a license to operate the daily.

²⁰ <http://www.apfanews.com/media-monitor/reporters-awarded/>

Tenzin Dorji, the newspaper's 32-year-old managing director said the paper will have a print run of 18,000 copies though readership at national level is as low as 13,000. The daily comes in English but plans to bring its national language, Dzongkha, edition soon, as law demands.

The Right to Information has still been denied. There were some fuzzy buzzes about the RTI act in 2007, it almost silenced in 2008. For two sessions, the elected parliament failed to take up the issue and the bureaucracy felt it was almost not a need.

A news report in Kuensel in July 2008, spoke of a “sophisticated and sinister” manner in which ministries and government agencies made use of the restrictions on information flow: “In the urban areas like Thimphu, information restriction has a more sophisticated and sinister role. Many of our ministries and government agencies are fortresses of information and laws unto themselves, keeping out anybody not in the circle of access. Many juniors are left wondering why they never hear from their seniors of trainings or foreign trips until it is too late. Many accountants are left wondering how an officer sitting in his office the whole week just made a travel claim of countless Ngultrums.

Honest businessmen scratch their heads when fronting companies do well and get away under the nose of authority. Common people shake their heads in disbelief when infrastructure projects turn into expensive and rundown white elephants to be repeated over and over again. Even some of the new private media, claiming

to represent our times, are thinly veiled money making and flexible ventures, more worried about advertisement revenue and revealing pictures.

Many bureaucrats may not be happy with the RTI Act, stating that it could be used to harass officers or take up time. The need for RTI Act has been felt just by the few journalists and not by other activists.

One way to kill RTI will be to pass it with inspiring and sweet speeches but do nothing to promote or enforce it. Even the courts will be able to handle only so many RTI appeal cases at a time²¹.

Prime Minister Jigme Y. Thinley in several occasions asked media to play a constructive role and help government implement its programs. However, dark side of the story revealed when he badly criticized media while addressing a press meet on completion of his government's 100 days in power, saying media have been more critical than supportive. He spent a great deal of time criticizing the media for not ascertaining facts and being over-critical, rather than seeking to interpret government actions in the proper context.

One year in power, at least the controlled democracy should have taught this leader how to behave with media. While talking to the same media persons on first birth anniversary of elected government, Thinley presented himself to be better solemn and friendly to media. He asserted commitment for transparency and accountability in governance and underlined the role of media in doing so. He said the government respected the

²¹ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=10649>

media and had in no way hindered them. “The government lets media do what they’re supposed to be doing. People need to know the truth, both good and bad.”

PM Thinley also repeated his commitment to support budding media industry during his five year tenure in power and that the government will share with media as much information as possible.

Bhutan Chapter of South Asian Free Media Association (SAFMA) and the Journalists Association of Bhutan (JAB) remained mum this year as well. We felt there exists no media organizations in the country. The organizations spoke nothing on several instances, officially, where individual journalists had raised the issue of press freedom. These organizations neither launched training programs nor organized any conferences to help strengthen press freedom and right to speech and information. SAFMA’s aims of strengthening network among the media stakeholders, especially among the working journalists, to improve their professional standards through journalism education, training and capacity building and promotion of press freedom is, therefore, questionable. Reporters Without Borders (RSF), Committee to Protect Journalists (CPJ), International Press Institute (IPI) and many other such media advocacy bodies also ignored the situation of media freedom in Bhutan and made no efforts to train them on this front.

With funding from the Japanese government, UNDP installed television sets in 172 geogs by January end. It aims to disseminate information on election and

democracy through TV. People have benefited from the project. One example is the live coverage of the parliament session on BBS TV. People from nearby villages came to the geog center, where the television sets are installed, to witness the parliament discussions which were broadcast live.

The Election Commission of Bhutan (ECB) said it would treat all Bhutanese media – private and public – equally during the upcoming local elections. Chief Election Commissioner Kunzang Wangdi, in April 2009 said unlike during the general elections last year, all media would be treated equally²². Earlier, some media were given access while others were deprived from covering all events of the election process.

BBS TV was given privileged access during the counting of votes of the parliament polls while other reporters received the news through verbal statements given by the EC officials. Despite that, the BBS TV and Radio did not cover the election well compared to other newspapers. The EC also seemed not happy with how BBS covered the polls.

However, Bhutanese journalists will find more restrictions covering elections in the future with ECB drafting new rules for them. If the new draft is enforced, it would regulate the time limit for media visiting polling stations. Journalists will be allowed in the polling stations only for five minutes.

The journalists will not be entertained to interview voters in the booth area. Reporters wanting to do so have

²² <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=12213>

to do it from a distance of at least 100 m from polling station. Additionally, the commission will restrict any media organizations to conduct opinion or exit polls before the election results are declared.

Production manager Lam Rinzin, 58, of the Centennial Radio, a private radio station in Thimphu, died in a road accident in June 12²³. Two others were injured in the accident in Bumthang. The vehicle plunged 200 meters below the road.

Centennial Radio's Managing Director, Dorji Wangchuk, led a seven-member recovery team which reached the accident site the following morning after a nine-hour drive, and brought Rinzin's body back to Thimphu²⁴.

On the eve of international press freedom day, the country received second daily newspaper. The government-owned Kuensel increased its frequency from two editions a week to six editions a week²⁵.



First copies of Bhutan Today being released in Thimphu

On April 28 issue, the paper said: This is the first issue of the Kuensel daily. Kuensel is evolving from the biweekly to a daily to cater to the growing needs of our readers for prompt and timely information.

²³<http://www.bbs.com.bt/One%20killed,%20two%20injured%20in%20an%20accident.html>

²⁴ <http://www.mail-archive.com/zestmedia@yahoogroups.com/msg05229.html>

²⁵ <http://www.kuenselonline.com/modules.php?name=News&file=article&sid=12365>

Now, it hits stands between Monday and Saturday. The paper killed its Nepali (Lhotsampa) version and promoted 12-page English and Dzongkha editions combined in a single issue.

The paper will have an 18-page weekend edition on Saturday, which will include a 'special magazine' called K2 or Kuensel 2 – in full color – targeting young readers, replacing its earlier City Bytes section. But the magazine will be available only in Thimphu, Paro, and Phuentsholing²⁶.

On April 30, royal palace announced the creation of Royal Office for Media²⁷, thus, giving Bhutanese media more access on getting itinerary of the royal entourage or other activities that royal family will be carrying out.

The new office will serve as the official media liaison for King and the royal family members. Called Gyalpoi Dapoen Yigtsang in Dzongkha, the office led by Dorji Wangchuk will help better media coverage of the royal events and enhance public relations. Media rarely get information where king and royal family members visit.

Bhutan, in a path to make its polity liberal and freer is required to take pragmatic steps for media upliftment and make them reach the general mass. Media must be accepted as parallel force to strengthen democracy and human rights, not hindrance on that way.

²⁶<http://www.apfanews.com/media-monitor/kuensel-is-daily-now-but-not-exactly/>

²⁷<http://www.kuenselonline.com/modules.php?name=News&file=article&sid=12399>

In Exile

Despite financial constraints and odd working environment²⁸, Bhutanese media in exile made several efforts to strengthen its reach in both fronts -- widening its public relations and human resource development.

Representing exiled Bhutanese journalists, Editor of Bhutan News Service, T. P. Mishra participated in a half-day-long Multimedia Training Workshop held in Kathmandu in November.

Supported by the United States-based Alfred Friendly Press Fellowships (AFPF), the training was facilitated by Deepak Adhikari, a senior journalist in Kantipur Publications and one of the AFPF Fellows in 2008. Surendra Phuyal and Ghanashyam Ojha, AFPF Fellows in 2003 and 2006 respectively, also shared their experiences during the training sessions.

Bhutan News Service (BNS) organized a Motivation Journalism Training for young media enthusiasts in Beldangi-I camp in November.

Over two dozen journalists in exile participated the training, facilitated by Bhakta Ghimire, Ichha Poudyel, T. P. Mishra and Devi Charan Pokhrel. Gopal Gadtula, a local journalist from Jhapa, also shared his experiences on reporting.

The Bhutan Jagaran (BJ), widely circulated Nepali fortnightly newspaper in camps, published by the Nepali Sahitya Parishad Bhutan (NSPB) discontinued its hard copy prints from August due to the lack of funding."We

²⁸ <http://www.mediahelpingmedia.org/content/view/186/2/>

tried all means and measures not to stop the publication for several months but finally we are doing this,” said Khem Kafle, the editor of the paper²⁹.

President of the APFA-Bhutan joined the South Asian Media Solidarity Network (SAMSN), the forum of South Asian media organisations affiliated to International Federation of Journalists (IFJ), regional strategy meeting in Kathmandu in September where he shared the gruesome media environment inside Bhutan³⁰.

Dutch organization Alert Fonds, through Global Human Rights Defence (GHRD) had agreed to extend partial financial support (Euro 100 per month) for the publication of The Bhutan Reporter for at least one year. However, the publication did not receive all funds. The contract for sponsorship ended in April this year. However, APFA has not published the paper since March due to unavailability of fund. Rajen Giri, a Bhutanese taking asylum in California since a few years also contributed partial support for publication of the paper.

Cadres of the Communist Party of Bhutan (Marxist Leninist Maoist) – faction led by Birat – threatened to kill associate editor of Bhutan News Service Ichha Poudel on Friday, May 16, 2008.

Poudel who was invited to a program organized by the party in Beldangi I camp threatened for his life alleging him of recording the speech delivered in the

²⁹ <http://www.apfanews.com/stories/fortnightly-paper-stops-appeals-for-support-media/>

³⁰ <http://www.apfanews.com/stories/samsn-strategy-meeting-concludes-media/>

function and taking pictures. Poudel had only old modeled mobile set, not either voice recorder or camera.

The party cadres forcefully pulled him to stage and asked him to clarify his intention. After Poudel identified himself as journalists associated with Bhutan News Service, he was again thrashed out of stage alleging him of confiscating the microphone without authority. When he came out of the program, the communist cadres followed him. Fearing insecurity, he lived with relatives in another camp. The communist cadres also threatened to take 'stern action' against Arjun Pradhan, local reporter for Bhutan News Service. Pradhan also attended the function along with Poudel. Several cadres reached the residents of Pradhan and Poudel in the evening threatening their family members as well.

In a joint statement, APFA-Bhutan, Bhutan Press Union and Third World Media Network (TWMN) Bhutan Chapter strongly condemned the incident. Reporters Without Borders joined them to condemn the death threats on journalists³¹.

In October, Bhutanese journalists in exile discussed possibility of merging all organizations working for press freedom into one for combined efforts. Representatives of the APFA–Bhutan, Bhutan Press Union and Third World Media Network- Bhutan Chapter made hours-long deliberations on framing strategies to work after being resettled in the western countries.

After two and half years on the net providing news and updates, apfanews.com was available for users on

³¹ Dated: 20.05 - at http://www.rsf.org/fil_en.php3?id_rubrique=682&mois=05

mobile since August, as test. To ease the access of readers on all movement, even if they are away from desktop or laptop, the site has been upgraded to view through mobile browsers at www.apfanews.com/mobile. The test run ended in January and upgrading it is underway.

A meeting of the BNS held on July 26 at its central office in Kathmandu re-structured its board. After the adoption of Bylaw, the meeting formed a Board of Directors as the supreme body to govern the agency. Members of the Board include I. P. Adhikari, Vidhyapati Mishra and Buddha Mani Dhakal.

The meeting formed a Team of Editors including T. P. Mishra, Ichha K. Poudel and Tej Kumar Chouhan and Kazi Gautam. The meeting also nominated Chouhan as Treasurer of the agency.

The right to expression

22 January, 2009 - The Bhutan Broadcasting Service (BBS) has been fined for doing its job.

The government by allowing the Bhutan InfoComm and Media Authority (BICMA) to flaunt such authoritative powers over BBS is trampling on the Constitution. It violates free press and free speech. The issue pertains to a panel discussion that BBS organized late December 2008. A private citizen had started-with the consent of the Ministry of Information and Communications (MoIC)- a prepaid taxi service system that offered passengers half the rates charged by other taxi drivers. The other taxi drivers were not happy. Customers were confused why two taxis were charging two different rates for the same distance. It was a matter of public concern.

The debate on BBS TV that evening turned into a boisterous exchange of arguments, in which one emotional taxi driver criticized MoIC minister Lyonpo Nandalal Rai for approving the pre-paid taxi service without discussing it with other taxi drivers who would be affected by his arbitrary decision.

BICMA who fined BBS declared that the panel discussion was not “fair, decent and balanced in line with the Code of Ethics of Journalists”.

We in the media are deeply concerned. The possibility that a media organisation may be punished and publicly paraded merely for hosting a debate to foster and preserve free speech, promised by our Constitution, ought to trouble everyone. The message from this is that airing of unpopular or offensive

opinions on the government will be stifled. This even as the Constitution guarantees us intellectual freedom and the right for private citizens to criticise the government.

Holding BBS liable for a panel discussion in which a minister was criticised could set a dangerous precedent and exercise a worrisome effect on the media's ability to report truthfully on matters of public concern. Such moves will deprive citizens of information they need to make informed judgments about their elected leaders' policies and actions.

What goes on inside a government then becomes more and more secret, which is bad news for democracy, and what's left for the public are official press releases.

If BICMA fines BBS for hosting a discussion in which a minister was criticised, it may one day fine us too for criticising the state. This is not about BBS alone. The fining of a Bhutanese media is about the ability of a free press in democratic Bhutan to do its job.

BICMA is a fine agency. Ever since its start, BICMA has taken the necessity of heightened vigilance against what it ominously calls irresponsible journalism, frequently imposing fines and sending warning letters to editors and reporters.

What BICMA could do instead is engage the young Bhutanese media in meaningful dialogues that will point the way towards a vibrant democracy. It should lead the way in reassuring the citizens that the government will respect the value of openness. That free press has a central place in the Constitution because it can provide information the public needs to make things right

again.

Imposing fines is definitely not the way to go. It can create mistrust and a sense of authoritarian rule, which works against the public interest and free press. BICMA must act only in the most dire circumstances when it regulates free expression.

That is not to say that some of our newspapers deserve a pass for their overtly sensational or graphic news coverage. More sensitivity and less stridency on them would certainly be welcome. But those erroneous displays need to be addressed by the papers themselves and remembered by their customers.

It's the paper's credibility in the end. If a paper's news coverage is trash or socially offensive, viewers can change papers. If a paper's reporting is biased, there are other newspapers. Soon enough, in this competitive news market, a paper will get the message.

BICMA or the government must understand that in a democracy, a free and inconvenient press is not a luxury. An independent press is a fundamental human right protected by the Constitution. If that right is taken away or eroded, elections are moot and democracy really cannot survive.

*By Kencho Wangdi
kencho@kuensel.com.bt*

Part II

Achievements of APFA-Bhutan since its
establishment in May 2004

A PFA-Bhutan, established on May 3, 2004, through dissemination of news aims to work for a freedom of press and freedom of speech and expression for democratic Bhutan.

APFA-Bhutan is comprised of young and dynamic journalists and linguists carrying potentialities to open the floodgates of freedom of speech, expression, press and publicity. With the adoption of constitution of kingdom of Bhutan on July 18, 2008, APFA-Bhutan anticipates strengthening of the freedom of press as envisaged in it.

It believes that media is one of the major components to demonstrate how democratic a country is besides explaining level of people's participation in governance. Press freedom is must for a free and democratic society. Media as well alerts government to adhere by its responsibilities and obligations. That is why it has been very often referred to as the fourth state of a country.

Bhutan is a member country to the United Nations System since 1971 and is signatory to many of the conventions and declarations it adopted. International laws become the laws for Bhutan, it must respect them. But implementation of these laws is not much satisfactory. People are barred from enjoying their birth right as the bonafied citizens of the country. Bhutan agreed on Universal Declaration of Human Rights soon it became the member of the UN. But Article 19 of the declaration (specially stressed here) has not been fully adopted by Bhutanese political and bureaucratic circle.

Right to speech is one of the elements of human rights which states must guarantee to its citizens. To strengthen the aspiration of Bhutanese people for their right to speech and expression and right to information, APFA-Bhutan strives to work for ever. Since democratic values and people's rights cannot be safeguarded in absence of independent media, APFA-Bhutan strives to pave way for institutionalizing a vibrant media working environment in close co-ordination with the government bodies, political forces and human rights groups and also with the press freedom activists across the globe. It was long felt that Bhutanese movement should have strong media organization to disseminate information and advocate in a larger sphere. Thus, member of young generation who were deeply concerned about the success of movement and had developed keen interest in journalism formed the association after acquiring training.

Working Principles

The association works as per the guiding principles of democracy and human rights, adhering to journalism ethics and practices. Respecting human values and individual opinion to make a collective thinking is the basic idea for sustaining the association. Freedom of speech and expression is inevitable for the survival of democracy and human rights. Therefore, through the publication of newspapers, bulletins and magazines, online or radio program, the association works to uphold democratic values and encourage people to adopt such

values. Thus, the APFA-Bhutan works with the principle that peace and stability can only prevail if all citizens enjoy equality of rights, freedom of speech, association that helps to develop nationalistic feelings by themselves.

Objectives

The association has set the following objectives:

- i. The aim of the association is to achieve the state to uncensored press and safeguard the people's right to information
- ii. The association works towards goodwill of the Bhutanese people based on the following principles:
 - Act as a medium of information circulation
 - Facilitate to accelerate the dissemination of information related to Bhutan and Bhutanese people
 - Be a leader of press freedom movement in Bhutan
 - Access the Bhutanese people with the latest news of their interest that may be local, national or international
 - Work for social, economic and religious harmony in Bhutanese society
 - Protect the right to information and right to expression of the Bhutanese people

Organizational structure

The association is headed by President and assisted by two vice presidents, a general secretary and a treasurer-cum-programmer. This is called Executive Committee. The central committee consists of at least 19 members and not exceeding 25 including Executive Committee members. The association has the advisory "Guardian Council" to finalize any dispute over any matter that could not be solved by CC and EC but it does not have executive power. The president holds the position not more than eight years.

Recognition

Similar to other organizations in exile, APFA-Bhutan also has not received due recognition from the host government. In fact, the host country has no policy to give official recognition to any refugee organizations, so far. Neither the Bhutan government gives recognition to organizations formed in exile.

Our achievements

We are happy to share here that a story exclusively on 'The Bhutan Reporter' was published in America-based international famed magazine 'GLOBAL JOURNALIST' in October 2007³².

In early 2006, we translated and published the draft constitution of Bhutan and circulated to Bhutanese community and Nepali experts with the aim to inform

³² <http://www.globaljournalist.org/stories/2007/10/10/oppressed-and-still-on-press/>

them of the kind of constitution made by Bhutanese regime. The Nepali version of the constitution was published again after the king promulgated the constitution on July 18. The soft copy of the translation can be downloaded from our site³³.

Since our first anniversary, we have been continuously publishing the annual press freedom report³⁴ that incorporates all events and development related to media industry despite the fact that it is very small. We are the only team monitoring and publishing annual media report on Bhutan.

We also proudly say, we were able to publish successive reports on situation of press freedom in Bhutan in the annual press freedom report of the International Federation of Journalists (IFJ) since 2005-06³⁵ ³⁶. For obvious reasons, the IFJ denied including our part in its annual report last year for obvious reasons while this year, we were able to include it again.

Besides, we have conducted a number of workshops and trainings intended to inculcate skills of journalism among the exile Bhutanese youngsters every year. We have also compiled a booklet on basic concepts of journalism and journalistic ethics and distributed to our reporters as guidelines for them.

APFA initiated a joint effort for press freedom and called on two other media organizations working for press freedom in Bhutan and operating in exile. Thus a

³³ <http://www.apfanews.com/reports/bhutan-constitution-lhotsamkha/>

³⁴ <http://www.apfanews.com/reports/annual-press-freedom-report-2007-8/>

³⁵ http://www.ifj-asia.org/files/ifj_sa_press_freedom_report.pdf

³⁶ <http://asiapacific.ifj.org/assets/docs/045/082/d75df2d-0d1da52.pdf>

conference was held in eastern Nepal making a historic declaration vowing to expedite fight for press freedom. The first media conference adopted 'Declaration Dé Exile'. The declaration also accepted the APFA proposal to accept Bhutan News Service as the common and first news agency of Bhutan, but operating from exile.

From October 2004, we started publishing monthly newspaper The Bhutan Reporter, which still is continuously published despite hurdles and hardships of fund during its course. In the same month, a three-day training was organised in Beldangi camp inviting two young people from each camp, on basics of journalism. Thus the team was expanded, with enthusiastic response from the youngsters.

In September 2005, second training was organised for the young reporters to enhance their skills on news writing. APFA core team and some local journalists facilitated the training.

In May 2006 APFA started its online apfanews.com that has now become the most important source of information to those who have interest on Bhutan and Bhutanese refugee issue.

In February 2007, APFA started radio program in one of the local FM stations in Kathmandu³⁷. To note, general public in Kathmandu, at that time, hardly knew who Bhutanese refugees are and what the cause of eviction from Bhutan in 1990 is. Two years of efforts has given us good results not only educating Kathmandu residents of our cause but also letting the world listen the

³⁷ <http://www.apfanews.com/stories/apfa-bhutan-starts-radio-program/>

radio programs online which are available on both our site: apfanews.com, bhutannewsservice.com

Presence of Nepalese Foreign Minister Sahana Pradhan³⁸, Nepal Chief of the UNHCR Daisy Dell and several other senior human rights activists on the celebration of Saranarathi Sarokar's first anniversary in February 2008 reflects the influences generated by the APFA activities.

In November 2007, APFA extended its radio program to Jhapa where refugees can listen³⁹. After five months (three months funded by LWF), the radio program in Jhapa was closed down as sponsor cited lack of fund. The radio program in Kathmandu continues to this day. For a few months since December 2007, the radio program was also aired through CJMC community radio in Kathmandu⁴⁰.

In November 2008, APFA brought out an exclusive report on Gross National Happiness, much talked philosophy propagated by the fourth king of Bhutan Jigme Singye Wangchuk, pointing out its failure to address the grievances of the people⁴¹.

Only last month (April 2009) we have published an exclusive report on one year of democratic practice in Bhutan⁴². The report not only is critical of the

³⁸ <http://www.apfanews.com/stories/nepalese-fm-stressed-on-repatriation-saranarathi-sarokar-anniversary/>

³⁹ <http://www.apfanews.com/stories/saranarathi-sarokar-aired-from-pathibhara-bns-appeals-unhcr/>

⁴⁰ <http://www.apfanews.com/stories/cjmc-to-catch-voices-in-exile-saranarathi-sarokar-now-from-3-fm-stations/>

⁴¹ <http://www.apfanews.com/reports/looking-gnh-critically/>

⁴² <http://www.apfanews.com/reports/one-year-of-democracy/>

government's failure to incite democratic culture in Bhutanese society but also appreciates some of its initiatives towards ending absolute rule.

In March 2008, APFA raised more than NRs 700,000 (in cash and kind) through lobby in Kathmandu and Bhutanese community in western countries to support the fire victims of Goldhap camp^{43 44 45 46}. The inferno had burnt the whole camp displacing more than 10,000 refugees. Most of the support was distributed to the refugees through Caritas Nepal while some through camp management committee.

In November 2007, APFA raised over NRs 200,000 from Kathmandu to support fire victims in Beldangi I camp where the fire hazard had displaced over 35 families. The support was distributed cash⁴⁷.

In 2007 and 2008, APFA supported six patients of various illness collect donations get their treatment in Kathmandu hospitals at discount rate or free of cost^{48 49}.

In course of the activities, journalists working with APFA faced several threats – even death threats – for being journalist. The communist groups among the

⁴³ <http://www.apfanews.com/stories/bhutanese-in-belgium-contributed-139035-nrs-brief/>

⁴⁴ <http://www.apfanews.com/stories/bhutanese-in-canada-contribute-100-000-for-fire-victims-brief/>

⁴⁵ <http://www.apfanews.com/stories/support-alarms-from-germany/>

⁴⁶ <http://www.apfanews.com/stories/bacc-donates-one-hundred-thousand-to-inferno-victims/>

⁴⁷ <http://www.apfanews.com/stories/fire-victimizes-441-in-beldangi-i-bns-appeals-for-support-update/>

⁴⁸ <http://www.apfanews.com/stories/heart-patient-seeks-financial-support/>

⁴⁹ <http://www.apfanews.com/stories/bhutanese-living-in-us-extend-financial-support-to-heart-patient/>

refugee community especially targeted our reporters Ichha Poudel, Arjun Pradhan and Jiten Subba who had to remain hiding for several days due to death threats.

ANNEX

Annex I

Press Statement

Date: January 29, 2009: Association of Press Freedom Activists (APFA) Bhutan is concerned by the increasing number of incidences in Bhutan hindering operation of free press even after the formation of a 'democratic' government.

Within a month of fining Bhutan Broadcasting Service Corporation (BBSC) on allegations of televising a discussion on taxi fare, Bhutan InfoCom and Media Authority (BICMA) has interrogated the journalists from Kuensel newspapers.

Kuensel journalists were summoned by the regulatory body for interrogation on charges of writing against the government interference into BBSC. The Kuensel had published an opinion piece entitled 'The Right to Expression' protesting the government intention of controlling the media.

BICMA officials during interrogation accused Kuensel journalists of nursing a personal agenda against it, of willfully distorting the truth as BICMA saw it, of trying to pull it down. It then sent warning letters to the media- defending its authority in which it claimed, "The penalty on the BBS was imposed as the form and manner of the panel discussion in question breached the Code of Ethics for Journalists."

The act is intimidation upon press freedom and it clearly shows the government body is in mission to

silence the media against the mandate it is given to promote free press. The authority still operates in style that used to be under absolute regime.

“The ability of media and journalists to work without fear of intimidation is a reliable indicator of a democracy’s health. That is why BICMA’s enforcement of fine on the Bhutan Broadcasting Service (BBS) was worrisome. BICMA infringed on the right to expression and free press. That is why Kuensel wrote about the issue,” Kuensel reporter Kencho Wangdi said.

As a government regulatory body, BICMA cannot prescribe bounds for press, ethics for journalists and guidelines for content generation for the media or instruct journalists how a panel discussion ought to be held.

ANNEX II

Country/Topic: Bhutan

Date: 27 January 2009

Source: Center for Human Rights and Democratic Studies (CEHURDES)

Person(s): Shantiram Acharya

Target(s): journalist(s)

Type(s) of violation(s): arrested , imprisoned

Urgency: Flash

(CEHURDES/IFEX) - The Center for Human Rights and Democratic Studies (CEHURDES) condemns the imprisonment of Shantiram Acharya, a young Bhutani journalist, by the Bhutanese authorities.

According to the Association of Press Freedom Activists (APFA) Bhutan, an exiled Bhutanese media group based in Kathmandu, Acharya, a Bhutanese of Nepali origin who was living in the refugee camps in eastern Nepal, was arrested in 2007 when he visited Bhutan to meet his relatives. Acharya was kept in secret detention for almost two months and tortured by police to extract a confession, APFA said. Bhutanese police have claimed that he was arrested for taking photographs of an outpost of the Royal Bhutan Army. According to APFA, Acharya was convicted because he could not hire an attorney to defend him since Bhutan does not have any independent attorneys. Moreover, he had no money since he appeared in court without the knowledge of his family members.

BBC World Service recently quoted an unnamed Bhutanese official confirming that Acharya, 20, has been sentenced to seven and a half years in prison "for involving in terrorist activities" by the Royal Government of Bhutan.

Acharya used to work for the "Bhutan Reporter," a monthly newspaper published by a group of Bhutanese refugees living in Nepal. He has been sentenced by Bhutan's high court for alleged involvement in subversive activities against the Druk regime, including participating in military training in Nepal conducted by the Communist Party of Bhutan (Marxist Leninist Maoist), an armed underground organisation that is banned in Bhutan and believed to be operating from Nepal and India to end Bhutan's hereditary monarchy.

The verdict was issued despite the fact that the Communist Party of Bhutan (Marxist Leninist Maoist) has made a public statement saying that Acharya has never been a member of the party, nor has he had any links with the organisation.

According to APFA, Acharya was on a personal visit to Bhutan but was expected to report on the prison-like situation within the country in which the majority of the people live. CEHURDES believes that Acharya has been targeted and arrested because of his profession and that the Bhutan government's harsh judgment against him is part of the Druk regime's ongoing efforts to suppress freedom of expression within the country. At a time when the Bhutanese authorities are known for lavishly hosting foreign media and reporters who are

willing to buy their story of Shangri-la and Gross National Happiness, the imprisonment of Acharya makes it obvious, that the regime wants to discourage other Bhutanese journalists, now living in exile in Nepal and elsewhere, from venturing into their country of birth to gather firsthand knowledge of the situation on the ground.

The South Asia Human Rights Index 2008, published by the New Delhi-based Asian Center for Human Rights (ACHR), expressly says there is no political freedom in the Himalayan kingdom and Bhutan essentially remains a repressive regime. "Bhutan does not have an independent judiciary. . . Even bureaucrats were appointed as judges of the Apex Court," the Center said. (For details, see [Click Here](#))

Against this backdrop, CEHURDES strongly condemns the imprisonment of Acharya without a free legal trial and without recourse to independent legal counsel. International rights groups say Bhutan does not have an independent judiciary and recent elections for the legislature were a farce, with the king enjoying absolute control over all branches of the state.

CEHURDES calls upon the Royal Government of Bhutan to open the case for review and let the 20-year-old hire an independent attorney. The organisation also demands that the jailed journalist's whereabouts be made public.

Some 100,000 Bhutanese of Nepali origin have been languishing in UN-maintained refugee camps in eastern Nepal for nearly two decades since they were

allegedly evicted from Bhutan by the Drukpa authorities. They have been launching a peaceful movement and have been lobbying with the international community to pressure Bhutan to take its bona fide citizens back home. CEHURDES also calls upon the Bhutan government to respect the fundamental rights of its citizens and allow freedom of movement and assembly to its citizens, as enshrined in the Universal Declaration of Human Rights (UDHR).

ANNEX III

PRESS STATEMENT

Global Human Rights Defence (GHRD) is deeply concerned about the unfair trial and sentencing of Bhutanese journalist Shanti Ram Acharya (20), a correspondent of the The Bhutan Reporter, which is funded by GHRD.

Mr Acharya has been sentenced for seven and a half years for alleged involvement in Maoist-related activities. However, the judgement is claimed to be politically motivated, based on insufficient evidence and on confessions obtained under torture. The overall trial was inadequate and unfair and failed to comply with the most fundamental principles of due process. The case must be re-investigated to ensure that the fundamental rights of Mr Acharya are safeguarded.

BACKGROUND

Mr Acharya was a camp based correspondent for the monthly The Bhutan Reporter, published in exile from Nepal and funded by GHRD. It seeks to uphold and safeguard the people's right on information in the Bhutanese society.

In January 2007, after a visit to his family, Shanti Ram Acharya was arrested and accused of entering Bhutan to 'carry out terrorist activities'. He was taken to police custody where he was tortured and forced to confess the charges. Acharya was produced before the

court for a preliminary hearing only on March 16. His relatives and family members were not updated on the court proceedings.

The Bhutanese High court found him "guilty of involvement in subversive activities" against Bhutan. He was also accused for participating in military training conducted by the Nepali chapter of Communist Party of Bhutan. (Banned party in Bhutan.)

However, the Communist Party of Bhutan (CPB-MLM), denied any link with Mr Acharya in a press release after his arrest, strongly refuted his affiliation to their party. The trial in itself is clearly unfair, politically motivated and it was not fully comprehensible to the accused, who is an ethnic Nepali. Mr Acharya could not afford to hire his own lawyer, and the Bhutanese court proceedings are never conducted in Nepalese language, neither are there Nepali speaking attorneys. Most documents are prepared in Dzongkha, which Mr Acharya, a Nepali speaking Bhutanese could not understand.

It is of outmost concern to impose such harsh punishments on these dubious charges and under weak legal procedures.

RECOMMENDATIONS

In light of the above, GHRD joins The Association of Press Freedom Activists (APFA), and International Federation for Journalists (IFJ) demanding the Bhutanese authorities to review the trial of Mr Acharya, and to ensure a new fair trial.

In particular, GHRD urges that

- The trial of Shanti Ram Acharya is reviewed and that he is provided with an independent lawyer of his choice.
- The whereabouts and condition of Mr Acharya are closely monitored and made public.
- The serious allegations of torture are investigated and the perpetrators of such crimes punished.
- Adequate compensation and legal assistance is granted Acharya for the damages caused.

GHRD reiterates that the practice of torture is one of the most serious human rights crimes under which no derogation is allowed. No person, regardless whether he is a criminal or not, should ever be subjected to torture in any circumstances. Confessions obtained under torture should not constitute grounds for judgment.

ANNEX IV

CODE OF ETHICS FOR JOURNALISTS

(Issued under Section 26 (d) of Chapter Three of the Bhutan Information, Communications and Media Act 2006)

(Prepared by the former undemocratic government, the elected government has not altered it)

CODE OF ETHICS FOR JOURNALISTS

1. Legal Basis

Upholding the Universal rights of citizens to information, freedom of speech and expression and independence of the media, and wishing to foster the highest professional standards of journalism, promote public understanding of and confidence in the Bhutanese media, and the responsibilities of the media and the journalists, the Bhutan InfoComm and Media Authority (“the Authority”) establishes this Code of Ethics for Journalists (“the Code”) in accordance with Section 26 (d), Chapter 3 of the Bhutan Information, Communications and Media Act 2006 (“the Act”).

2. Citation and Commencement

This Code of Ethics shall be cited as the Code of Ethics for Journalists and it shall come into force from the 18th Day of the first month of the Female Fire Pig Year, of the Bhutanese calendar, corresponding to the 7th Day of the month of March, 2007.

3. Scope of Application

This Code shall apply to all journalists, whether writing for print media, broadcast media or the online media, operating within or for Bhutan.

4. Amendments

This Code may be amended by the Authority as and when required.

5. Definition

Unless the context otherwise requires, the words and terms used in this Code shall have the same meaning as assigned in the Act.

6. Ethics of Journalists

Journalists in Bhutan, as elsewhere, have a duty to maintain the highest professional and ethical standards. They shall provide independent and accurate news and information with integrity, remaining accountable for their actions, neutral in their position and keeping the national interest foremost in their minds at all times. They shall, accordingly, conduct themselves in consonance with the following principles and observe these principles both in letter and in spirit:

6.1 Professional Integrity

A Journalist shall:

- a. present the news with integrity and decency, avoiding real or perceived conflicts of interest, and

respect the dignity and intelligence of the audience as well as the subjects of news;

- b. not use any information or materials, obtained for public information, for personal use and interest;
- c. not function or operate while under the influence of alcohol, drugs or other intoxicants that might undermine the objectivity of the news and information;
- d. clearly label opinion and commentary;
- e. guard against extended coverage of events or individuals that fail to significantly advance a story, place the event in context, or add to the public knowledge;
- f. refrain from contacting participants in violent situations while the situation is in progress;
- g. refrain from using surreptitious newsgathering techniques, unless there is an overriding public interest;
- h. refrain from paying news sources that have vested interest in a story;

- i. refrain from accepting gifts, favours, compensation or any other form of entertainment from those who might seek to influence coverage;
- j. not engage in activities that may compromise his integrity or independence;
- k. always disclose any personal pecuniary or other interest that he may have in any matter which is the subject of any report or story written by him. Where a journalist comes across any information, for example concerning a commercial enterprise, in advance of it being put in the public domain, he shall refrain from using such information for his own private profit;
- l. recognize that he is accountable for his actions to the public and to the profession;
- m. respond to public concerns and sensitivity. Investigate complaints and correct errors promptly and with as much prominence as the original report;
- n. explain journalistic processes to the public, especially when practices spark questions or controversy;
- o. recognize that professional journalists are duty-bound to conduct themselves ethically;

- p. encourage employees to raise professional objections and create conducive environments in which such objections and discussions are encouraged;
- q. seek support for and provide opportunities to train employees in professional decision-making;
- r. refrain from ordering or encouraging courses of action that would force employees to commit an unethical act;
- s. not use identification, special licenses or any other press privileges except in the conduct of his profession;
- t. protect the identity of children in case their parents or family members are involved in crimes; and
- u. not report judicial proceedings that might affect or alter the trial unfairly.
- v. not offer or make payments to any person who has been accused or convicted of a crime or any person who is, or is likely to become, a witness in a criminal trial, unless it can clearly and objectively be demonstrated that there is an overriding public interest in doing so. The onus of demonstrating the overriding public interest shall be on the journalist.

6.2 Social Responsibility

A Journalist shall:

- a. recognize their obligation to the public and to the country;
- b. believe in the freedom of media as an overriding right to honour the public's right to know and thus shall pledge themselves to promote, guard and defend this freedom both from internal or external influences and interferences;
- c. understand that any commitment other than service to the public and the country undermines trust and credibility;
- d. provide a full range of information to enable the public to make enlightened decisions;
- e. apply for accreditation while also encouraging other professionals to be accredited; and
- f. not publish any matter which offends against good taste and decency. In particular, he shall avoid publishing matter which is:
 - a. obscene, vulgar or sexually explicit; or
 - b. culturally insensitive, having no regard to the norms of Bhutanese society and its values; or which has the effect of glamourising or glorifying:
 - I. gratuitous violence;

- II. gambling; or
- III. the consumption of alcohol, tobacco and illegal drugs.

6.3 The Right to Truth

A Journalist shall:

- a. pursue the truth at all times and not publish false, inaccurate, misleading or distorted material. He shall ensure that, as far as possible, every story he writes is thoroughly researched. In particular, he shall clearly distinguish between fact, comment and conjecture. Where, despite due diligence in researching a story, he publishes an inaccurate fact, he shall ensure that a correction, and a suitable apology, is published as soon as possible after the inaccuracy has been brought to his attention;
- b. avoid or resist distortions that obscure the importance of events;
- c. disclose the origin of information unless the source demands otherwise;
- d. not report anything known to be false or re-enacted;
- e. not manipulate images or sounds in any way that can mislead the public; and

- f. not engage in plagiarism of other people's work, and he shall ensure that, where he quotes from other published or non-published sources, such sources are clearly and fully identified.

6.4 Non - Discrimination

6.4.1 A Journalist shall:

- a. defend the independence of all journalists from those seeking influence or control over news content and gather and report news without fear or favor, and vigorously resist undue influence from any outside forces, including advertisers, sources, story subjects, powerful individuals, and special interest groups;
- b. stand by the principle that all persons are equal before law and hence shall not be swayed by any political, economic, business or other social prejudice;
- c. resist those who would seek to buy or politically influence news contents or who seek to intimidate those who gather and disseminate news;
- d. determine news contents solely through editorial judgment and not as a result of outside influence;
- e. resist any self-interest or peer pressure that might erode journalistic duty and service to the public and to the country;

- f. recognize that sponsorship of the news will not be used in any way to determine, restrict, or manipulate contents;
- g. refuse to allow the interests of ownership or management to influence news judgment and contents inappropriately;
- h. defend the rights of the free press for all journalists, recognizing that any professional or government licensing of journalists is a violation of that freedom;
- i. present the news fairly and impartially, placing primary value on significance and relevance;
- j. not guise his participation in prohibited activity by using a proxy. This, however, does not prohibit his relatives from taking part in any political, financial, commercial, religious or civic activity allowed under any laws of Bhutan;
- k. treat all subjects of news coverage with respect and dignity, showing particular compassion to victims of crime or tragedy;
- l. present analytical reporting based on professional perspective, not personal bias; and

m. avoid taking sides in political debates.

6.4.2 The coverage of any Journalists shall not in any case glamorize or discriminate against any political parties, organizations, individuals or the government, except as provided by any laws of Bhutan.

6.4.3 A Journalist shall not publish any prejudicial references to a person's sex, race, colour, national or ethnic origin, linguistic background, religion, or any physical or mental illness or disability unless there are compelling reasons, such as relevance to the story being published, for doing so.

6.4.4 Where any person or organisation has been inaccurately portrayed or quoted in any news report or story, or where the news report or story presents an unfairly slanted account, the Journalist responsible shall provide such person or organisation a reasonable opportunity to reply or to have their version of events conveyed to the audience to whom the original report or story was published.

6.5 Sensationalism

6.5.1 A Journalist shall avoid sensationalism in the reporting of events and take all possible precautions to ensure that anything published by him does not have the effect of inciting people into violence or other illegal acts.

6.5.2 A Journalist shall show utmost sensitivity in reporting matters relating to children or other young persons. In particular, they shall not interview a child or other young persons under the age of sixteen in the absence of, or without the consent of, his parent(s), or publish any story about such child or young person solely for reasons of the fame, notoriety or position of his parent(s). Where a child or young person is involved in court proceedings, a journalist shall not ordinarily publish any matter which would have the effect of identifying the child to the reader. In cases involving sexual offences against a child or young person, a journalist shall ensure that the identity of the child or young person is not revealed, although he may reveal the identity(ies) of any adult(s) who may be involved in such cases, if allowed by the law.

6.6 Protection of Sources

A journalist shall ordinarily protect the confidentiality of his sources. He may, however, reveal the identity of a source where he has obtained the consent of the source or where the law requires him to do so.

6.7 Respect for Privacy and Human Dignity

A journalist shall:

- a. not publish anything that is defamatory of any person or organization;
- b. not invade the privacy of any person without his consent and shall respect his private and family

life, home, health and correspondence, except in circumstances where it can clearly and objectively be demonstrated that there was an overriding public interest in the invasion of his privacy. The onus of demonstrating the overriding public interest shall be on the journalist;

- c. not publish any matter which would have the effect of identifying any person who is the complainant in a case involving sexual offences, except with the written consent of such person, or under an order or direction from a court of competent jurisdiction;
- d. respect the sentiments and the privacy of persons who may have suffered grief or shock. Where a journalist needs to carry out enquiries in such circumstances, he shall do so with utmost sensitivity; and
- e. not identify relatives or friends of any person accused or convicted of crime, or imply guilt by association in relation to such relatives or friends, unless there are compelling reasons, such as relevance to the story being published, or evidence that might reasonably point to such guilt.

6.8 Recordings of Conversations

A journalist shall not harass, intimidate or trick any person to obtain, or attempt to obtain, information or pictures. In particular, he shall not install listening

devices on anyone's property or tape-record conversations with anyone without their consent, or enter anyone's property surreptitiously or using a subterfuge, except in circumstances where it can clearly and objectively be demonstrated that there is an overriding public interest in doing so. The onus of demonstrating the overriding public interest shall be on the journalist.

6.9 Competition and Fairness

A Journalist shall:

- a. adhere to the spirit of free competition in the Bhutanese media and shall not, at any time, monopolize or attempt to monopolize the market by using power, influence, authority, money or by any others means; and
- b. maintain a healthy, professional, courteous, and harmonious relationships among fellow journalists and media persons.

6.10 National Interest

6.10.1 A Journalist shall place the national interest and security above everything.

6.10.2 A Journalist shall refrain from reporting on anything that might:

- a. incite religious, ethnic, regional or communal conflicts;

- b. undermine the sovereignty and integrity of the Kingdom; or
- c. breach or compromise the security of the country.

7. Failure to Comply with the Code

Any Journalist who contravenes or fails to comply with the provisions of this Code of Ethics shall be guilty of an offence and shall be liable for any actions prescribed under the Act or the Bhutan Penal Code.

