



Fight Continues

Status of press freedom in Bhutan

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Fight Continues



Bhutan Press Freedom Report 2007-08

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Annual Press Freedom Report of Bhutan 2007-08

**Coordinator
Vidhyapati Mishra**

**Chief Editor
I. P. Adhikari**

**Co-editors
T. P. Mishra
Buddha Dhakal**

Association of Press Freedom Activists

Democratization and Media

Despite the democratization process, Bhutan does not regard media as the backbone to foster and promote the democratic system, values and principles. The world praised the unprecedented steps that Bhutan took last year in its efforts to change the absolute monarchy into constitutional, to adhere by the principles of rule of law.

Like in the past, it is yet to trust that Bhutanese regimes will regard media in future as the best means to educate people and a good partner for good governance.

Media scenario did not change in Bhutan at par with the political system. We have observed no improvement in the last one year. We had last year recommended a number of issues to be amended before the democratic transition of the country completes, yet they remain today where they were.

The laws and constitution have not guaranteed the right to speech and expression while right to information is a far cry.

The statement government and political leaders made in favor of promoting media for the good of new democracy never been translated into practice. Traditional thinking in leadership against the media also rules the new set up. Even after the elections and formation of first elected parliament, media has really did not foster.

The media persons have not been well trained on values and principles of democracy, human rights and right to information. Unless this is done, fostering democracy and human rights will not to smooth.

Media accessibility

The government has become liberal to some extent in allowing the foreign media to report on national issues. Restriction on foreign newspapers has drastically decreased while limited foreign journalists were permitted to cover the national elections held in December and March.

For general people, radio has become more easily assessable form of media in Bhutan. BBS radio has continued its efforts to reach all Bhutanese – through FM relay stations in Bhutan and through

online to Bhutanese Diaspora. Establishment of new private FM stations become additional source of news, information and entertainment for Bhutanese populace.

On the other hand, government continues to put ban on fewer TV channels despite demands from the public, forcing them to switch their way of receiving TV signals.

Right to Information

Tenzing Lamsang states (Kuensel April 26, 2008) that the government authority denied giving information on statistics of commercial companies of the country. He writes, "When Kuensel approached the ministry of economic affairs to verify the top three companies of Bhutan, the ministry refused any information on the grounds that it was 'inappropriate'. Kuensel was refused information on the total number of licenses held by the three major companies of Bhutan by the ministry."

In the age of information society, where citizens are entitled to get all information without approach to state authorities, denial of providing information on licenses measures the extent of right to information in the country.

With the dawn of democratic practice, though limited, development in media is being emphasized as a fundamental part of it. Government has organized two different training sessions for the journalists working in government-owned and private papers. Training of journalists for reporting on wide range of issues including politics, formation of media association, and operation of private media houses and inception of online radio are some praiseworthy steps. However, peoples' accessibility to these media inside Bhutan has not been worth mentioning.

Similarly, the scenario in exile had not been praiseworthy. With the beginning of the resettlement process, refugees sought information on the process. However, neither the UNHCR nor the resettling countries reached refugee community to adequately inform them about the process and its durability, future consequences. Refugee-run newspapers and radio programs became the primary source of information for refugees on third country resettlement.

Controversy still exists, who is responsible for imparting information on resettlement to refugees. These agencies in some cases, also

object sharing of information on resettlement by third party. (see annex for UNHCR letter to HRWF and its response to UNHCR)

Refugees, who opt resettlement, are not informed of where they are going to be taken until the last hour.

General media scenario in Bhutan

More than 40 journalists from the print and broadcast media were trained on covering elections, campaigns, and politics for a week in the capital before the campaign for elections to National Assembly and National Council began. In April as well, government trained journalists to help cover issues on women and children.

In addition, private media houses sent journalists to India for on-the-job-training.

Formation of an association by the journalists – some suggesting Journalist Association of Bhutan (JAB) – was mulled over, yet it did not come into existence. South Asian Free Media Association (SAFMA), that established its 12-member national chapter in Bhutan on August 5, 2007, remained silent over the media issues and press freedom advocacy. Lack of activism by SAFMA in favor of strengthening press freedom and freedom of expression or rights of the working journalists in Bhutan is embarrassing.

Bhutan Times (May 19, 2007) reported the government's discouraging act against the media promotion – to bid for public advertisement.

A government circulation asked the media to 'procure advertisement through competitive bidding' where government would provide advertisement to that media having widest publicity.

Few weeks earlier, the government had announced incentives in the form of tax holidays and withdrawals of import and sales duties to support the country's growing print media.

Cable operators are yet to get authority for transmission of all available TV channels, despite the demands from the public. The Bhutan InfoCom and Media Authority (BICMA) banned transmission of the sports channel, Tensports from November 1, 2007. Football fans complained bitterly as the ban deprived them of Europe's Champions League. Entertainment channels like MTV and FTV also faced similar actions (Reuters). The channel was earlier banned in

2004, following an independent media impact study, which pointed out that the channel aired violent programs like the World Wrestling Federation but later allowed to transmit. Instead, the viewers choose Disc TV to view the channels, which is however not permitted in the country. Kuensel quoted (May 14, 2007) local cable operators that they were worried about losing their businesses as more of their clients chose to switch to Dish TV.

Government-owned Kuensel's regional office in Kanglung, Trashigang, started printing in color, exactly a year after the office was set up from 20 December, 2007. The Kuensel regional office in Kanglung began printing on December 17, 2006, coinciding with National Day.

Kuzoo FM, a private radio station established in early 2007, came up with another station on September 3, 2007. Two stations air programs on two different languages – Dzongkha and English. Listeners can hear all Dzongkha music and other programs from FM 104 MHz while the FM 105 MHz broadcast all programs in English. Both the stations operate 24 hours daily.

Similarly, a new private FM station was established in Thimphu with sign name Centennial Radio on February 21, 2008. This is the third FM radio station in the country.

The Centennial Radio have two channels, 101 FM and Rigsar FM. The former, operated a month after the formal beginning of the FM station, offers current affairs, news, analysis of issues amongst others. A third FM called Valley FM also exists.

Bhutan Broadcasting Service (BBS) went online on February 21, 2008. Online service of BBS radio is available on its website (bbs.com.bt) 15 hours a day from 6 am to 9 pm.

On August 10, 2007 Indian ambassador to Bhutan, Sudhir Vyas, and then minister of communications Leki Dorji, inaugurated the new 100 KW shortwave transmitter station of the Bhutan Broadcasting Service Corporation at Sangaygang, Thimphu strengthening the reach of the BBS radio in the country. The

government of India financed the project at a cost of about Nu. 80.326 millions.

The Media Act, enacted on July 5, 2006, appeared to have raised more questions than answers among the Bhutanese media. After the publication of annual report by APFA-Bhutan last year with criticism on media laws, journalists inside the country began to speak on pros and cons of the media act. Journalists working inside the country reacted that the Act dictates hegemony to be enjoyed by media-controlling government agencies.

According to reports, journalists cite global examples where the right to information is included in the Media Act. "Specific rights for journalists should have been included in the Act," said Tashi Phuntsho, the editor-in-chief of Bhutan Times.

The managing director of the Bhutan Broadcasting Service, Mingbo Dukpa, said the Media Act should have given more space for protection of journalists.

Overall, journalists agreed that the Act was not restrictive but reiterated that some important clauses were missing.

Last year, Bhutan Times weekly started its mid-week publication as well. The first of the Wednesday issue hit the newsstands on January 2, 2008, with exclusive coverage on the National Council elections and results.

General media scenario in exile

Struggling for establishment of freedom press in Bhutan and ensuring the right to information for all Bhutanese, media in exile have experienced successes and faced new challenges in the year 2007-08. The three organizations working for press freedom – Association of Press Freedom Activists (APFA) – Bhutan, Third World Media Network (TWMN) – Bhutan Chapter and Bhutan Press Union (BPU) – came to a common agenda for the cause. The first historic media conference of the Bhutanese journalists in exile concluded on October 20, 2007 at Damak adopting the 'Declaration dé Exile' demanding reforms in draft constitution and laws related to media and press freedom before being endorsed by the parliament (See annex with this report).

The newspapers such as The Bhutan Reporter and Bhutan Jagaran became source of information for Bhutanese community in exile on resettling process. However, by the end of period, both the papers forced to remain closed due to lack of continued support.

With the beginning of the resettlement of the exiled Bhutanese to third countries, media in exile played the role of disseminating the information on resettlement, otherwise should have been the responsibility of the UNHCR and the resettling countries. The radio program, Saranarshi Sarokar, being aired from Kathmandu, reached Jhapa on November 15, 2007 with half-hour program a week. The program was also aired at CJMC community radio from December 30, 2007. The transmission of the program from Pathivara FM in Damak, Jhapa was partly supported by Lutheran World Federation subsequently increasing the volume of programs from one episode a week to four. After the termination of three-month contract with LWF, the program failed to get continuation until this report is prepared, though the agency has shown interest to renew the contract. However, the program continues to be aired from Nepal FM in Kathmandu, where transmission began earlier (See last year's report for detail).

There are good stories as well to read. An exclusive story on 'The Bhutan Reporter' ran in America-based international famed magazine 'GLOBAL JOURNALIST' in September 2007 with the reporting by Laura Elizabeth Pohl of University of Missouri.

TWMN coordinated for sending Bhutanese journalists to attend the online radio journalism training organized by Panos South Asia. Two journalists – one each from TWMN and APFA – attended the training in two phases. Two journalists from BBS --**Tenzin Phuntsho and Tenzin Temba – also attended the training.**

TWMN, BPU and APFA jointly organized five-day Photo Journalism Training from September 12 to 16, 2007 in Beldangi camp attended by almost 25 journalists in exile. TWMN- Bhutan Chapter hired two special photo journalists from Kathmandu, Nepal and Kolkata, India to facilitate the training, sponsored by Drik India.

Journalists in exile, working voluntarily, also faced several challenges and hardships this year. On December 14, local administration interrogated Arjun Pradhan and Jeetan Subba, both

local reporters for The Bhutan Reporter, over alleged involvement in Maoist activities. Allegations were clamped on them just because they incidentally been the witness of Maoist cadres firing at Arjun Subba and fleeing the scene near Damak on December 13. For days, the journalists were mentally tortured by the administration asking them to report at the police office at Beldangi camp daily. (The Bhutan Reporter, Vol IV No 39 January 2008)

Pradhan was even asked by the APF personnel to sign on a register kept at the latter's office daily for a month. Later, when BPU, TWMN-Bhutan Chapter and APFA-Bhutan jointly defended the allegation, the authorities withdrew their accusation and Pradhan was relieved.

The police in Damak arrested and held general secretary of Bhutan Press Union (BPU) Puranaghare for a night in custody without any reason early this year.

The whereabouts of Shantiram Acharya of Beldangi-II, Sector 'D' Hut no- 85, associated with The Bhutan Reporter and Bhutan Jagaran, who was arrested on January 24, 2006 at Tashilakha under Chhuka district (South West Bhutan) by Royal Bhutan Police still remains unknown.

Closure of papers

The Bhutan Jagaran, a Nepali-Language newspaper, shut down hardcopy publication in lack of adequate funds from early 2008. The newspaper was continuously getting published since the mid of November 2001 with financial support from AUSTCARE, an Australian organization, through Lutheran World Federation.

Four-paged black-and-white Bhutan Jagaran, primarily a brainchild of literary activists associated to Nepali Sahitya Parishad, contained issues related to Bhutan and exiled Bhutanese.

The Bhutan Reporter, which started publishing from October 2004, shut down its hardcopy publication from February to April 2008 but now has resumed its hardcopy publication after Rajen Giri, a US-based exiled Bhutanese, assured the publisher of extending partial support.

Nawlo Awaj and Vidhyarthi Pratirodh, both Nepali language bulletin published by Communist Party of Bhutan (Marxist-Leninist-Maoist) were on see-saw. Limited number of editions, not regular, had been circulated among the refugee community.

Media Privatization

Privatization of media did go well during this year. One new radio company was registered while Kuzoo FM, a private radio station established in early 2007, came up with another station.

No new private newspapers have come up. It was feared by the experiences and challenges faced by Bhutan Times and Bhutan Observer for getting advertisements from government institutions. Dzongkha editions of the papers were nearly shut due to lack of readership.

No initiative has been taken for establishing a private TV channel.

Legal Provisions

We have recommended several changes in the draft constitution, media act and other laws last year before their implementation. Except the newspaper regulation, government has not withdrawn any of the provisions in these legal instruments. The draft constitution is likely to be endorsed by the current session of the parliament without any amendment.

We fear, adoption of the constitution, media act and other laws that seriously restrict the media freedom, right to speech and expression and right to information without any changes would in long run affect strengthening democracy.

(Please refer our last year's report or annex with this for our recommendation on legal provisions)

Struggle for press freedom continues

The struggle has not achieved its objectives. This year, Reporters' Forum and Media Network Bhutan come into existence to fight for press freedom and freedom of speech and expression. They joined hands with APFA-Bhutan, BPU and TWMN-Bhutan Chapter in forming Bhutan News Service for centralized and coordinated news sharing on Bhutanese issues.

However, SAFMA, despite being a regional organization having credits of fighting for press freedom, failed to raise voices against anti-press freedom behaviors of Bhutan government and such provisions in Bhutanese laws.

Superficial political transformation in Bhutan has further encouraged Bhutanese journalists in exile to continue their struggle. Possible adoption of the draft constitution, media act and other laws will add fuel to this movement. This struggle shall continue until the all changes are made to ensure press freedom, right to information, right to speech and expression and end of direct and indirect censorship in media.

Annexes

Declaration dé Exile

Jointly by

1. Bhutan Press Union (BPU)
2. Third World Media Network Bhutan Chapter
3. Association of Press Freedom Activists Bhutan

On

Press Freedom and Freedom of Speech and Expression in Bhutan

Focus

Bhutan has not done enough for press freedom

Background

Press Freedom and freedom of speech and expression were never incorporated into national policies of Bhutan all through the ages. Fundamentally, freedom of expression and speech was termed anti national approach and access to media was regarded an attempt to destroy the long preserved culture of closed society. The Bhutanese rulers never prescribed that media would be the best means to educate people and a good partner for the good governance. Despite it signed the Universal Declaration of Human Rights (UDHR), the rights conferred by this international legal instrument, Article 19 we stress, were ignored by Bhutanese authorities.

TV was banned until 1999. All media outlets were strictly controlled and censored by the government until recently when it opened up way for private media as part of the king's efforts to democratize his regime.

When the struggle for human rights, democracy and equality began in early 1990s, the political parties formed at that time to lead the movement included press freedom in their demand list. Subsequently, the deployment of the military force in southern districts silenced the voices for freedom of speech and expression and freedom of the press. Those supporting this justifiable demand were called anti nationals and were evicted. Thus led the strengthening of the fight for freedom of speech and express and the freedom of the press. Thus, we support, in broader sense, the demand for establishment of democracy and human rights in the country considering that press freedom is impossible in their absence.

In Bhutan's rapidly changing socio-economic, cultural and political scenario, information technology and media are already vital forces that touch all national priorities.

Access to media

Not all people have access to media. Low rate of literacy and ignorance of the importance of media are the major causes for not widening the public access to media. However, the urban population is growing conscious towards the media and its importance.

Indian and other foreign newspapers also are available in the market but they are limited to Paro, Thimphu, Phuentsholing and few other cities. Bhutan's low literacy rate, however, means that the majority of the population is not affected by the print media. Oral tradition is very strong, however, and radio broadcasts are relatively more widely listened to.

Foreign media organizations were not allowed to station their representative. Further, the government also restricted the nationals to work with the foreign media.

Positively, by the end of the last year, the situation changed somehow. Media agencies like Indo Asian News Service, British Broadcasting Corporation etc. produce reports on Bhutanese events frequently. Of all foreign media, IANS has been observed to have stronger hold in covering the Bhutanese issues. Visits by the foreign journalists have increased, but not satisfactorily.

Yet, the government still restricts the transmission of some foreign TV channels. The government cites the eroding effect on Bhutanese culture as the reason to bar the transmission of such TV channels. Few news channels like Aajtak, CNN-IBN, fashion TV, MTV, Zee Network and few other Indian channels have been censored.

Efforts in exile

There had been several publications since the beginning of the refugee issue solely intended for advocacy for democracy and human rights and right to return of the Bhutanese citizens evicted out of the country. However, such publications merely acted as the mouth piece of the publishing organizations. They, at large, could not include a wide range of advocacy campaigns collectively carried out by the Bhutanese organizations in exile.

The efforts for injection of journalism in Bhutanese society in exile had begun as early as 2000. Initially, three papers appeared in refugee community: Shangrila Sandesh monthly, Sandesh weekly and Bhutan Jagaran fortnightly. Inability to generate enough financial and human resources, the publications such as Bhutan Times, Sandesh weekly, Shangrila Sandesh have closed. Yet a group of people continue to strive for fight for press freedom. This led to the formation of Bhutan Press Union followed by Association of Press Freedom Activists – Bhutan and Bhutan Chapter of the Third World Media Network.

Presently, Bhutan Jagaran and The Bhutan Reporter monthlies are published regularly. Another bulletin Vidhyarthi Pratirodh is also seen circulating having sympathetic nearness to communist followers.

In the beginning, the refugee media faced hurdles from within the community and the local administration in Jhapa and Morang districts in Nepal. However, in recent days, the political parties and other opposition groups have become liberal. Yet the increasing violence in the camps has posed serious threat to independent existence of the media in exile.

Inside Bhutan

The government repelled the restrictive policy on privatization of media granting permission to start private media houses. This led to beginning of Bhutan Times and Bhutan Observer weeklies on April 27 and June 2 2006 respectively. Similarly, the government has also licensed two private FM stations – Kuzoo FM 90 MHz and Valley FM 99.99 MHz – which have already begun their transmissions. By law, restriction on TV has ended. The national TV station was established in 1999. No private channel has appeared. Even then, the government continues to ban the distribution of some of the foreign TV channels.

The Bhutan government has not been sincere to its commitments for press freedom. Recently the government blocked two websites, www.bhutantimes.com and www.bhutandaily.com. The authorities claimed they were forced to block the sites since there were posts threatening sovereignty of the kingdom. International Federation of Journalists (IFJ) and Reporters Sans Frontiers (RSF) expressed serious concern over the blockage. However, the South Asian Freed Media Association (SAFMA) which opened its chapter in Bhutan recently, remained mum in this issue.

One of the journalists working with newspapers in exile was arrested in Bhutan early this year. Shanti Ram Acharya, who worked with The Bhutan Reporter and Bhutan Jagaran, was alleged to have involvement with communist group, which the party has defied. His whereabouts has not been known yet.

Legal Provisions

Bhutan has formulated new media laws and regulations. Even now, the media act and constitution have little provisions that guarantee media freedom and right to information, speech and expression to the Bhutanese nationals.

Regulations and terms and conditions for operation of media houses have been developed. As a central monitoring body Bhutan Information Communication and Media Authority (BICMA) is being established.

The draft constitution does not adequately incorporate the principles of press freedom and freedom of speech and expression of the citizens and residents. Some of the provisions mentioned therein are:

Article 7 of the constitution has provisions of fundamental rights that include the right to information, speech and expression and freedom of the press as well.

Sub Article (2): A Bhutanese citizen shall have the right to freedom of speech, opinion and expression.

Sub Article (3): A Bhutanese citizen shall have the right to freedom of thought, conscience and religion. No person shall be compelled to belong to another faith by means of coercion or inducement.

Sub Article (4): There shall be freedom of press, radio and television and other forms dissemination of information, including electronic.

Sub Article (5): A Bhutanese citizen shall have the right to information.

However, there are a number of clauses included in the constitution that restrict the complete freedom of the press, right to speech and expression and further it does not adequately guarantee the right to information of the citizens.

Article 6 (3) (e) of the constitution restricts the citizens of right to speech and expression or right to information with many vague provisions such as termination of citizenship if found speaking against the king, country and the people. The government has not explained what it meant by speaking against the king, country and the people.

Article 7 (21) (e) of the constitution states that the government can impose restriction by law in case of 'the disclosure of information received in regard to the affairs of the state or in discharge of official duties'.

Article 10 (15) states, 'the Speaker or the Chairperson (of National Assembly and National Council respectively) may exclude the press and the public from all or any part of the proceedings if there is a compelling need to do so in the interests of public order, national security or any other situation, where publicity would seriously prejudice public interest'.

Article 10 (21) provides liberty to the Members of Parliament for opinion limited within the parliament proceedings.

The draft constitution also has objectionable provisions under Emergency section. Article 33 (7) gives power to the government to suspend rights conferred under sections 2, 4, 5, 14 and 18 of Article 7 during the period of emergency. This means not only the press freedom but all rights enjoyed by the citizens would be suspended during such periods. This will have negative impact on the citizens as they fail to have access with the situation of the country, their right to know what is happening in the country.

The constitution does not guarantee that license of the publications, radios or TV stations would not be seized by the state power. The emergency power given to the government can force these media bodies to remain shut, permanently or temporarily.

Because the law does not guarantee 'no censorship' on the operation of media houses, government may cite the reasons like speaking against the country and the people or security or sovereignty of the nation to impose censorship to publication or broadcast of certain news items.

The Media Act 2006, enforced on July 5, 2006, ignores consultation with media workers while formulating any laws, by-laws or regulations related to press freedom and working journalists. Article 13 (3) empowers the information minister not to disclose any information if he or she 'assumes' that disclosure would have negative impact on national interest. Similarly Article 14 (1) states that in the event of emergency 'the minister may by notification take over for a limited period the control and management of media services or suspend its operation'. The Act has also empowered the ministry to cancel the license issued for operation of the media bodies. Article 15 sufficiently empowers the government to impose unlimited censorship on media contents.

The act does not guarantee the security of the working journalists and also does not speak about the perks and other facilities that journalists must get from media organization in return to the services provided.

Article 3 (1.4) of the Newspaper Regulation states that any person who has been, under the laws of Bhutan, convicted of a criminal offence, will not be issued a publishing license.

Our Demands

We, the undersigned organizations jointly demand:

- Include provisions in the constitution and the laws that guarantee the right to speech and expression, right to information and freedom of the press in the national constitution and media laws.
- Explain adequately the vague provision in Article 6 (3) (e) of the constitution such as termination of citizenship if found speaking against the king, country and the people. Guarantee that mere criticism of a person would not be the cause of citizenship termination.
- Amend Article 7 (21) (e) of the constitution guaranteeing that citizens get every information of the state.
- Amend Article 10 (15) of the draft constitution to allow unrestricted entrance to journalists and media persons in all proceedings of the parliament. Also remove the provision of necessary permission from the parliament before publishing any materials regarding the proceeding of the parliament or vote cast in the house.

- Amend Article 33 (7) of the draft constitution to ensure that media will have uncensored access to any places during the time of emergency as well. This is fundamentally important to protect the right to information of the citizens.
- Guarantee that license issued once will not be repelled in any pretexts such as violations of the national laws or speaking against king, country or people.
- Repel all provisions in constitution, media act and the newspaper regulation that media houses would be taken under control or owned by the state during the period of emergency thereby ensuring that citizens get correct information on what's going on in the country without any interference by the state.
- Allow certain percentage of foreign investment in media with guarantee that editorial contents are not administered by the shareholders. Partial foreign investment in media is necessary in Bhutan since Bhutanese do not have capability to make bigger investments for expansion of media houses.
- Include provisions in newspaper regulations/Media Act that accreditation would be issued to journalists working with foreign media as well (both national and foreign).
- Ensure that journalists would be consulted while formulating laws, by-laws or regulations related to press freedom and working journalists.
- Guarantee the security of the working journalists and state the perks and other facilities that journalists must get from media organization in return to the services provided.
- Effectively implement the strategy prepared for media development which says, 'Upholding the universal rights of citizens to information, freedom of opinion and expression, and independence of the media which has the mandate to connect, inform, educate and entertain'.
- Describe the degree of criminal acts of persons to bar him or her from getting a media license. Petty cases of criminal acts, as has so far been defined by the royal government, should not be the basis to restrict anyone from receiving license.

Appeal to international press freedom bodies:

We the undersigned appeal the international press freedom bodies and free expression activists to:

- Put pressure on the Bhutanese government for provisions in constitution and laws guaranteeing greater extent of press freedom;
- Ask the Bhutanese authority to repel or amend all the restrictive and objectionable provisions in the constitution and laws that do not meet the international standards of press freedom;

- Ask Bhutanese government to end the misuse of the state owned media;
- Advocate for uncensored telecast of all foreign TV channels taking into consideration the interests of the Bhutanese people;
- Recognize the efforts made by the media organizations in exile for establishment of press freedom and freedom of expression in Bhutan like that done by Third World Media Network, which recognized the formation of its Bhutan chapter comprising all journalists in exile.
- Encourage the representation of journalists in exile in international media forums to make their voices heard;
- Train the journalists in exile for development of media environment in Bhutan;
- Monitor of the media situation in Bhutan by making regular visits to the country;
- We draw attention of the International Federation of Journalists (IFJ), Reporters without Borders (RSF), Freedom House, SAFMA, Centre for Protection of Journalists (CPJ), International Press Institute (IPI), International Media Support (IMS), World Association of Community Radio Broadcasters (AMARC), World Association of Newspapers (WAN), World Press Freedom Committee (WPFC), International Freedom of Expression Exchange eXchange (IFEX) and such other media organizations regarding the need to improve media situation in Bhutan.

Appeal for Bhutanese organizations

We the undersigned appeal the Bhutanese organizations – political or apolitical – to:

- Include the demand for press freedom and freedom of speech and expression in their charter of demands;
- Support for promotion of media sector in Bhutanese community;
- Make the Bhutanese media organizations to be the first to know any events related to Bhutan and Bhutanese refugees;
- Make efforts to train their cadres on importance and necessity of the free media for democracy and human rights protection in Bhutan;
- Make their cadres responsible towards respecting the works of Bhutanese journalists guaranteeing to make no hindrance in any aspects of the journalists' duty;
- Provide possible assistance to Bhutanese journalists while they are in duty in the field.

Our Commitments

We the undersigned pledge to:

- Continue advocating for complete press freedom in Bhutan;

- Ask the Bhutanese authorities to repeal or amend all the restrictive and objectionable provisions in constitution and laws;
- Ask the political parties and human rights groups to advocate for press freedom and freedom of expression in Bhutan alongside their political and human rights issues;
- Continue to strive for development of journalism in Bhutanese community in the long term;
- Work to sustain the publications in exile and encourage the Bhutanese to begin new media ventures in Bhutan;
- Work for increasing awareness in the Bhutanese community regarding the importance of media in democratic environment;
- Expand the readership of the Bhutanese newspapers and listeners of the radios;
- Encourage the younger generation to build their career in journalism;
- Organize regular workshops, trainings and seminars of media and journalism for enthusiastic journalists;
- Network collaboratively and cooperatively with the media organization in Bhutan and across the globe to establish complete press freedom and for the development of journalism in the Bhutanese community;
- Extend possible support to media and media personnel inside Bhutan and in exile to any troubles they come upon
- Regard Bhutan News Service as an independent news agency of the country

Signed by

I. P. Adhikari, President, For APFA Bhutan

C. N. Timsina, President, For BPU

T. P. Mishra, President, For TWMN Bhutan Chapter

Date of Declaration

October 20, 2007

Place of Declaration

Damak-11, Jhapa, Nepal (in Exile)

From the concluding session

The declaration ceremony was attended by various political leaders in exile. Following is the brief statement they delivered at the function:

1. Dilli Ram Ghorsai

Bhutanese Refugee Repatriation Coordination Council

It is important that organizations in exile work together for the common cause. Media fighters have set the beginning. However, the activities and the strategies need to be clear and transparent.

2. Mohan Tamang

Bhutan National Democratic Party

Democracy remains inadequate in absence of the free media and wish that the flourishing media in exile will be core part of the democratic struggle and institutionalizing the democratic values in Bhutan. BNDP committed to support for the promotion of media for protecting the right to information of the Bhutanese citizens.

3. Gopal Gartaula

Federation of Nepalese Journalists

The media situation in Bhutan is not different than the Nepali media scenario during the direct rule of King Gyanendra. It is utmost import to keep in mind, ethically, to impart fair information, without any exaggeration. Nepali media society is ready to extend support for democratic struggle and right to return of the Bhutanese refugees.

4. Lalit Pradhan

Bhutan Gorkha National Liberation Front

Political parties must help promote fight to press freedom in Bhutan and include this issue as one of their prime agenda in advocacy campaigns.

5. Rinzen Dorj

Druk National Congress (Thinley Penjore faction)

The initiation of the media organization in exile to work jointly is appreciable. The political parties have realized the importance of media in democratic struggle and are serious towards promoting it. The parties are ready to work in cooperation with the media bodies in advocacy campaigns.

6. Balaram Poudel

Bhutan People's Party

The coordination among the political parties and the media bodies is necessary at this hour. However, it is necessary to keep in mind the limitation and the positive role that media must play for common cause. It is the responsibility of the media and the media workers. Freedom of speech and expression does not mean to express everything what one wishes. Media must report fairly on issues like repatriation and resettlement at this situation when the refugee committee is divided.

Annex II

Letter from UNHCR to Human Rights Without Frontiers, Nepal

14th Apr, 2008

From:

Daisy Dell

Representative

United Nation High Commissioner for Refugees (UNHCR)
Representation in Nepal

To:

Mr. Raju Thapa

President

Human Rights Without Frontiers, Nepal

Maitidevi, Kathmandu

cc Mr. David Derthick

Chief of Mission

IOM, Kathmandu

Dear Mr. Thapa

This refers to the article of titled " Reform to inform refugees" by Thomas Hardaker, an intern at your organization, published in Kathmandu Post of 2nd April, 2008. This article contains inaccurate information and statements regarding the work of UNHCR and International Organization of Migration (IOM).

Kindly note that neither UNHCR nor IOM were contacted by the author to verify the information contained in the article.

There are three durable solutions to the problems of refugees: voluntary repatriation to their homeland, local integration in their host country and resettlement to a third country. In Nepal, voluntary repatriation is presently not an option for refugees from Bhutan, despite long lasting and continuing efforts by the Government of Nepal, the International Community and UNHCR. After seventeen years in the camp, third countries have generously offered to receive those refugees who wish to resettle and, to provide them with the opportunity of a new life.

In November 2007, the Government of Nepal agreed to this option. Since then UNHCR has been providing information to the refugee on all aspects of resettlement so that they can decide about their future on the basis of a free and informed choice. UNHCR disseminates information about resettlement in the camp through mass meeting, posters, leaflets, radio messages and focus-group meetings with women, youth and refugees with disabilities.

Contrary to the affirmation contained in Mr. Hardaker's article, UNHCR has never conducted hut to hut resettlement campaigns with the help of armed guards. The armed police are deployed by the Government of Nepal at the request of UNHCR to ensure law and order in the camps and do not play any role in the resettlement process.

IOM also undertakes information sharing on the resettlement process. IOM participates in the information sessions in the refugee camps providing factual information about resettlement to the United States.

For refugees who have made the decision to be resettled, and after they have been accepted by the resettlement country, IOM provides Cultural Orientation courses. These three-five day courses provide specific information not only on the Travel Loan and Refugees Legal Status but also on the Pre-Departure Process, Resettlement Agencies, Community Services, Housing, Transportation, Employment, Education, and much more. Most importantly, these courses provide refugees an opportunity to raise issues and ask questions of personal significance.

We would highly appreciate if, in the future, UNHCR or IOM are contacted to verify the facts, before publishing article on refugee related issues.

Yours sincerely,

Daisy Dell

Representative

United Nation High Commissioner for Refugees Representation in Nepal

Response from Human Rights Without Frontiers, Nepal

Date :

16th April, 2008

Dear Mrs. Daisy Dell,

This refers to the letter of objection sent to Human Rights Without Frontiers regarding an article 'Reform to Inform Refugees' written by one of our inters Thomas Hardaker.

The author feels he must sincerely apologize for the misspelling of Mrs. Daisy Dell's name; it is an unfortunate mistake and by no means was any offence intended. However we contend that this was the only inaccurate aspect of the article to which your letter refers.

Firstly, it is regrettable that the UNHCR has opted for such a direct, private route of rebuttal. We hope the UNHCR has the confidence in its argument to publicly challenge our view point in the media.

According to the writer, he welcomes any challenge to the article, as it is founded upon reliable, professional sources that are equally offended by your attempts to suppress the truth about the situation in the refugee camps under the UNCHR's direct control.

Secondly, the manner in which the UNHCR requires information of our intention to publish articles is a gross encroachment upon our fundamental rights to freedom of speech and expression under article 19 of the UDHR to which everyone must abide. The UNHCR is in no position to attempt the curtailment of our fundamental rights and similarly I, as President of Human Rights Without Frontiers, Nepal can only advise my staff, members, interns, volunteers and the people associated with my organization to be diligent and accurate in the voicing of their opinions. I believe that in this case my advice has been adhered to and that despite the UNHCR allegation of inaccuracy, the article was indeed based upon accurate fact.

I and my organization have been actively engaged in Bhutanese refugee issues for more than half a decade, the experience and knowledge amounted over this time enables me to assist in the accurate attainment of facts, consequently I can prove the particulars founding the writers opinion.

To respond to the third paragraph of your letter, the nature and extent of the *'long lasting and continuous efforts by the UNHCR, the international community and the Government of Nepal'* is strictly a matter of opinion. It would be greatly appreciated if the author's opinion was respected in line with his fundamental rights. The UNHCR has absolutely no jurisdiction to attempt to suppress this viewpoint.

It is clear that you have given little consideration to the actual contents of the article. Why does the UNHCR feel it is necessary to inform us that resettlement has been 'generously offered' when the same sentiments are conveyed in the first paragraph of the writers article which you unjustly refute?

My organization receives testimony from refugees who live in the camps, and they are concerned about the lack of information being

imparted to them about the resettlement process. The UNCHR may also wish to utilize its time more productively and instead of petitioning the writer, I suggest it turns its attention to the press conference in the Goldhap camp during the visit of Ellen R Sauerbrey. During this conference refugees were invited to ask questions on resettlement, according to Mr Vidhyapati Mishra's article '*Voluntary Options For Refugees*' who was in attendance, the responses given 'made refugees laugh' at the delegates ineptness.

May I also call your attention to the report of Human Rights Watch, Last Hope: The Need for Durable Solutions for Bhutanese Refugees in Nepal and India found at <http://www.hrw.org/reports/2007/bhutan0507/index.htm>, which expresses the refugees concerns at the lack of information imparted to them.

Again my suspicions lead me to believe that your consideration of the article was at best remedial, as you fail to counter the authors point about the elderly refugees, it would be far more efficient for both the writer and the UNHCR if you could form your objections upon that which was actually written.

Furthermore it would be extremely beneficial if the UNHCR was to investigate the claims made in the article before attempting to disprove them. Regarding the hut to hut campaigning, allow me to draw your attention to the appeal of the seven democratically elected camp secretaries to the Prime Minister of Nepal on the 11th December 2007, titled, '*An appeal for appropriate action and justice*' (please find attached). The appeal is signed by all seven of the refugee camp secretaries; please focus your attention to point 3 of the appeal.

'Kindly urge UNHCR to stop motivation by hut to hut campaigning accompanied by armed security forces...'

I would respectfully request an explanation as to why the camp secretaries feel concerned enough to publish an appeal if the UNHCR has '*never conducted hut to hut resettlement campaigns*'. I would further request an apology from the UNHCR for its

uninformed accusation of inaccuracy on the part of Thomas Hardaker.

(Seventh paragraph)

“For refugees who have made the decision to be resettled, and after they have been accepted by the resettlement country, IOM provides Cultural Orientation courses. These three-five day courses provide specific information not only on the Travel Loan and Refugees Legal Status but also on the Pre-Departure Process, Resettlement Agencies, Community Services, Housing, Transportation, Employment, Education, and much more. Most importantly, these courses provide refugees an opportunity to raise issues and ask questions of personal significance.”

In the above paragraph of your letter you state that IOM provides cultural orientation and specific information on the above issues ‘*after they (the refugee) have been accepted by the resettlement country*’. This is in contradiction to your earlier statement in the third paragraph which states that the

‘UNHCR has been providing information to the refugees on all aspects of resettlement so that they can decide about their future on the basis of a free informed choice.’

As you admit to only giving the information once the refugee has been accepted by the third country. How were they to make a fair and informed decision prior to their application, in lieu of this information? Once the application is accepted, any refusal on the part of the refugee to resettle results in their elimination from the process in the future.

Furthermore in legal terms the ‘acceptance’ of an offer binds the parties and creates a contract, given the professional nature of the UNHCR I can rest assured that it was the intention of your organization to use ‘acceptance’ in its legal capacity and I can take confidence in the intention on the part of the resettlement countries to enter into legally binding relations with the refugees. This binding nature is of concern due to the fact that a refugee must take the travel loan to enable them to reach the third country, so it is a constitutive part of the acceptance.

However the information given about the loan is imparted after the acceptance, they are legally responsible to the charge before they are informed about it. Of course your defense of this unusual legal situation will be based on the fact that the refugee has the right to decline resettlement. Again the problem with this is that once a refugee withdraws from the TCR process they are permanently excluded from it.

We would highly appreciate that in future the UNHCR reacts publicly upon its objections to the writer's opinions, to create an open environment of fact sharing and co-operation in light of the problems associated to the refugee issues. We would appreciate that before any rebuttal and accusations are made from your side, that they are founded on fact. In the same vein, I would request that our freedom of expression is respected and that a decision to inform you of our intentions solely rests upon our choice.

Yours sincerely

Raju Thapa