

Economic Slump Takes Toll on Sustainability of Free Media

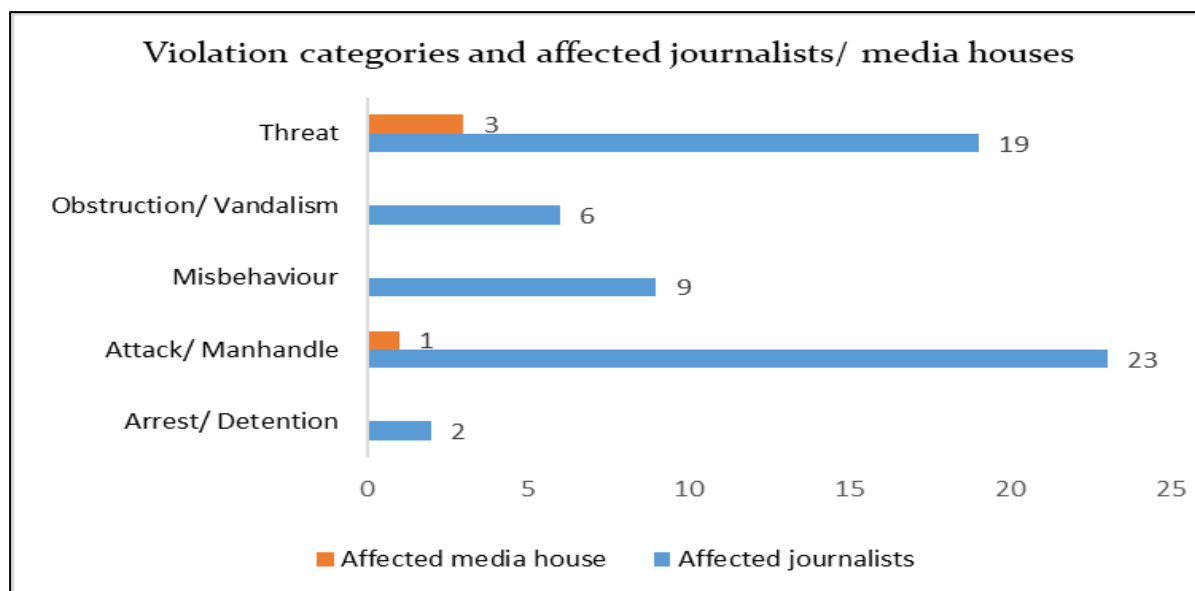
The economic downturn took a toll on Nepali media, threatening its sustainability. The slump in advertisement market, shifting advertisements to digital platform and Apps, indifference of government and parliament to law and policy reform, massive retrenchment at media houses, continued intimidation to journalists, muddled management of social media, and spread of mis- and disinformation polluting information ecosystem featured significantly during the past one year, 2023. At present, Nepali media is facing a 'sink or swim condition'. How it would be lifted out of crisis and who contributes to it needs serious deliberation. At any cost, Nepali media industry needs immediate rescue with favorable legal/policy environment and financial support so that press freedoms would be survived, protected and promoted.

1. Press Freedom Status

Freedom Forum recorded total 52 incidents of press freedom violations in the past one year, from January 1, 2023 to December 31, 2023. In these anti-press incidents, 59 media persons were directly affected, among which 8% are female and 92% are male. Compared to the previous year, the press freedom violation saw a rise this time– there were 45 violations in 2022.

1.1 Types of Press Freedom Violation

FF has broadly categorized the violations in five types- a) arrest/detention, b) attack/manhandle, c) misbehavior d) obstruction/ vandalism, and e) threat to life.



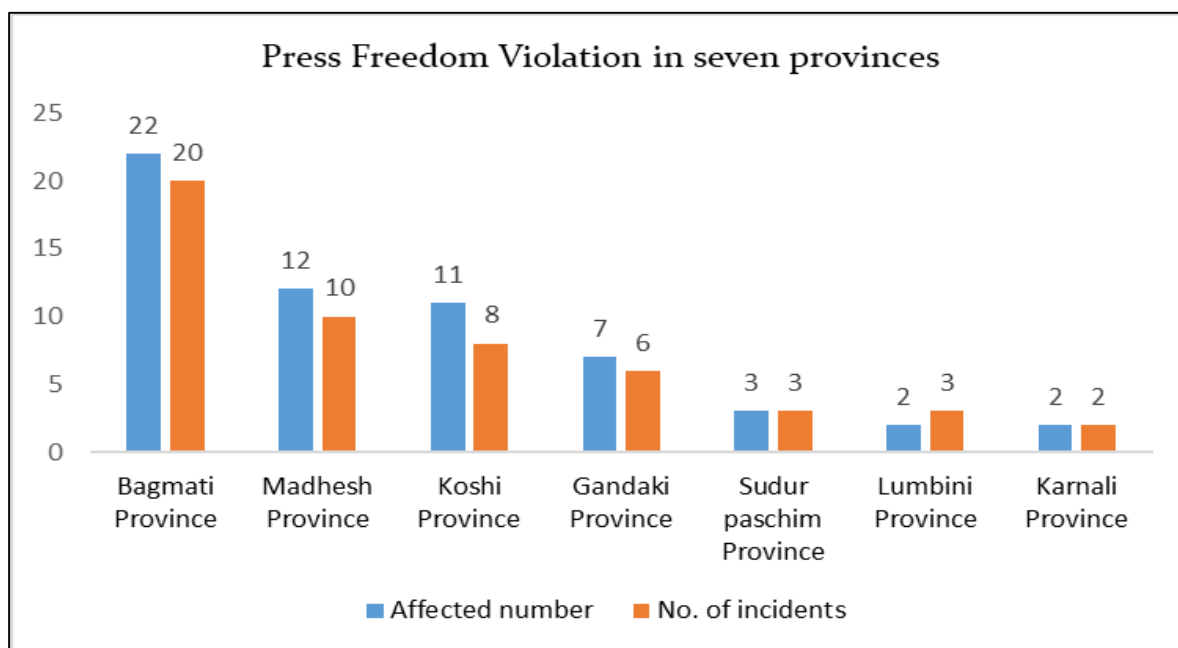
The major press freedom violation recorded this year was attack upon 23 journalists and one media house, followed by issuance of threat to life to 19 journalists. Three media houses also received threats for publishing news in separate incidents. Two journalists

(1 male and 1 female) were detained, nine faced misbehaviors and six obstructed for reporting.

In two different incidents, a group of journalists were intimidated by the local political leaders while reporting in the field.

1.2 Bagmati Province tops violations

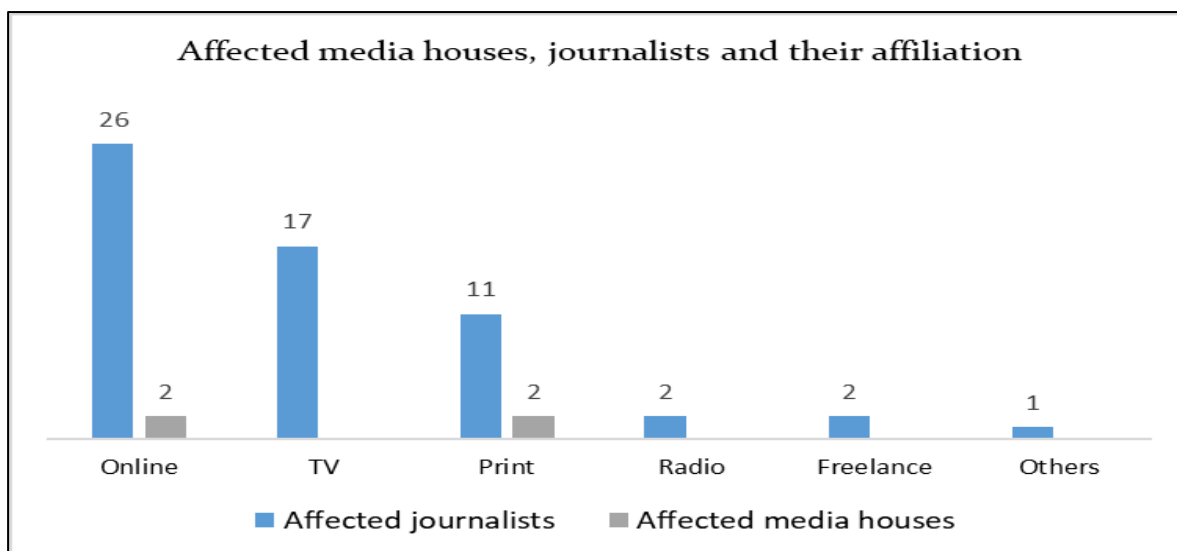
As in the previous years, the highest number of press freedom violations was recorded in Bagmati Province with a total 20 cases followed by Madhesh Province (10 cases) and Koshi Province with 8 cases. Similarly, six incidents took place in Gandaki Province, three each in Lumbini Province and Sudurpaschim Province and two in Karnali Province.



With maximum violations in Bagmati Province, number of affected journalists is also the highest in this province with 19 male and 3 female journalists. It is followed by 12 journalists facing violations in Madhesh Province, 11 in Koshi Province, seven in Gandaki Province, two each in Lumbini and Karnali Provinces and three in Sudurpaschim Province.

1.3 Online journalists, the most targeted

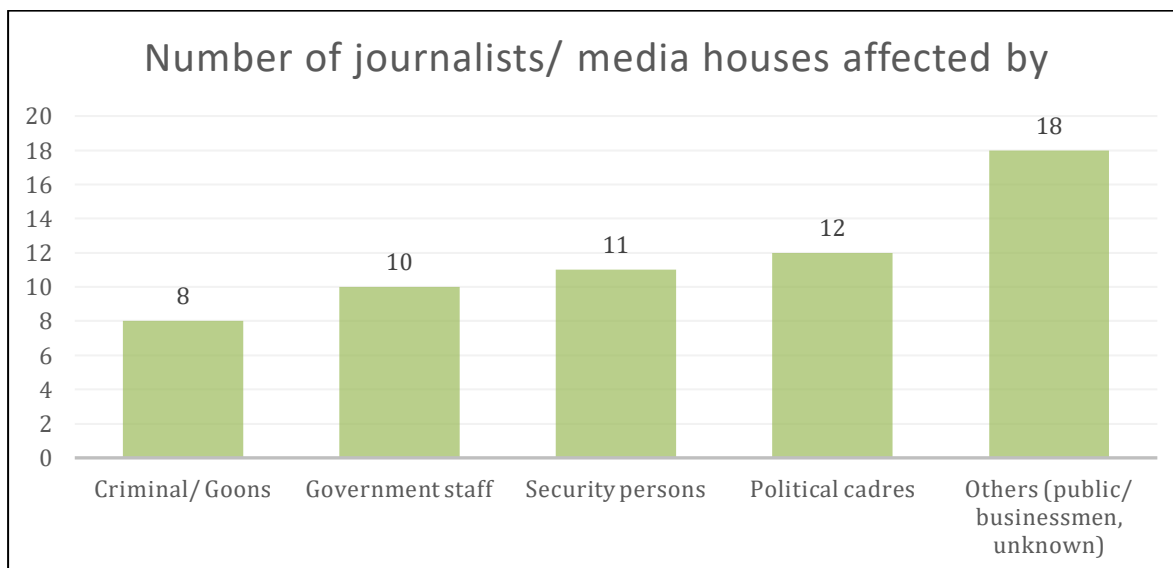
Of the total affected media persons in 52 incidents, most of them are associated with Online media (26) followed by Television channel (17), Print media (11) and Radio (2). Two are freelance journalists and one is associated with a news agency which is categorized under 'Others' category. The incidents affecting journalists associated with news agencies and group of journalists from different types of media are categorized under 'Others' category in this section.



In the aftermath of COVID 19 pandemic, FF saw an increasing number of attacks on journalists from online media. This trend continued this past year too. It is followed by television journalists' number this time as compared to the previous years where print media dominated the list after online.

On the other hand, two online media offices and two print media offices were also attacked in different incidents. In these incidents, people barged into the offices and threatened the staff over their investigative and critical media contents.

1.4 Hostile elements



Out of 59 affected journalists, 18 faced intimidation from the general public, businesspersons, private entities, fellow journalists, unknown sources, etc. in different incidents. These are categorized under 'Others' category in the figure.

Political leaders and their cadres are the second most hostile to journalists in 2023 followed by security persons, government staff and criminals/goons intimidating 11, 10 and 8 journalists respectively.

1.5 Intimidation via cyberspace

In 2023, FF recorded a total of 9 incidents of attack on journalists through and for social media posts/messages. In these incidents, 10 media persons were directly affected.

In five incidents, five media persons were threatened and harassed with several abusive posts on social media pages and messages through Facebook Messenger.

In an incident, a journalist was harassed through WhatsApp and he was also threatened of social media hack. Similarly, in two cases, journalists were threatened of being framed in fake cases. We observed that in majority cases perpetrators intimidated journalists through Facebook and Messenger.

In separate three cases, journalists were threatened and attacked for their social media posts and social campaigns.

- A. *Reporter to Nepal Samacharpatra daily Motiram Timalisina received death threats after publication of news about 'Province minister's involvement in gold smuggling' with his byline in the daily and its web portal <https://www.newsofnepal.com/> on September 17. "I have been receiving threats through social media. Leader and cadres of a major political party have threatened me of shooting and stabbing with sword for including their party's president name in the news. They have also posted fake and misleading status about me on their social media pages", he said.¹*
- B. *Chairperson of online media www.nitinews.com, Shankar Tiwari received series of threats of attack for reporting news critical to Member of Parliament Gyanendra Bahadur Shah on August 15. Journalist Tiwari shared that immediately after publication of news, Shahi's partner Prakash Nayak called Tiwari on mobile and threatened of kidnapping him if he continued writing news mentioning lawmaker Shahi. Again, on August 27 parliamentarian Shahi threatened Tiwari through Facebook Messenger and even warned of arresting and suing.²*
- C. *Photojournalist and activist RK Adipta Giri was issued an arrest warrant for his critical post on social media on August 8. The arrest warrant was issued by District Police Office, Parbat, Gandaki Province. Journalist Giri has been conducting a campaign named 'Save Kaligandaki river' for more than three years. Notably, Giri was issued arrest warrant after the complaints of fellow journalists for his critical view on the local authorities and journalists there who were involved in encroachment of the river and natural resources in Parbat.³*

¹ <https://nepalpressfreedom.org/main/issue-single/1408>

² <https://nepalpressfreedom.org/main/issue-single/1404>

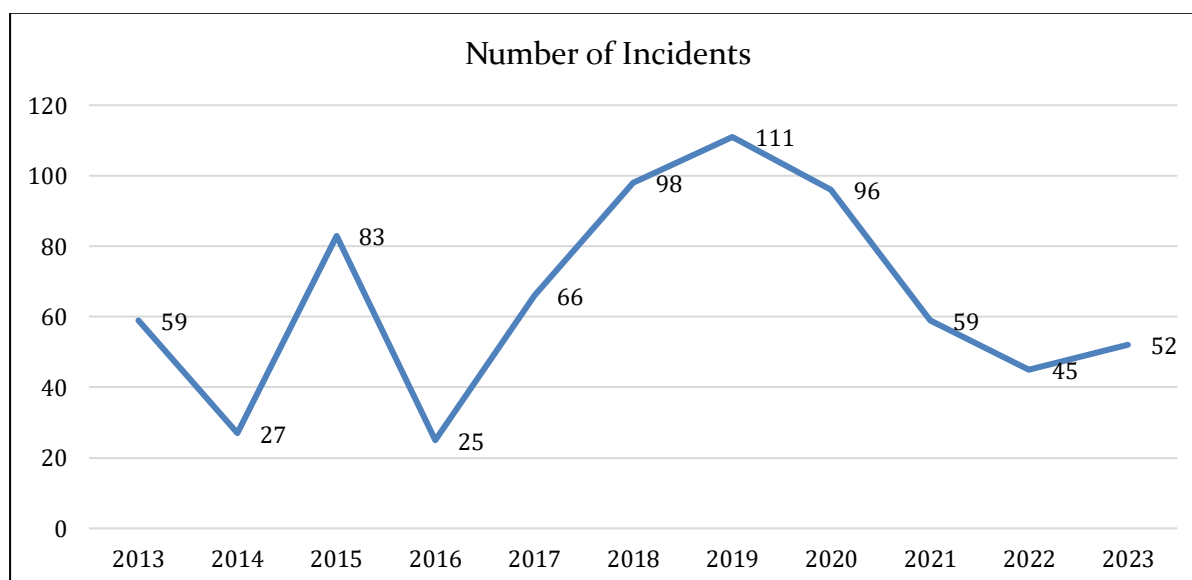
³ <https://nepalpressfreedom.org/main/issue-single/1397>

Attack and Injury

- A. Himalaya Television's Rautahat reporter Rakesh Yadav was attacked while reporting on illegal excavation of the river as per information shared by the locals on August 21. A group of people from a crusher industry approached him and interrogated who he was and from whom he got permission to take video. Reporter Yadav said, "I am a reporter, this is my identity card and I have also informed administration before reporting." But they started beating him on chest and threw his camera too.⁴
- B. Reporter to <https://www.makalukhabar.com/> from Dhanusha, Shibendra Rohita was attacked for reporting on corruption and irregularities in the Dhanauji rural municipality, Dhanusha on July 10. Chief administrative officer at the rural municipality office Ranjit Yadav's brother and relatives attacked reporter Rohita in the busy market place. Reporter was severely injured in head and chest in the attack.⁵

1.6 Violation trend

The yearly trend for the last ten years shows that this year observed slight surge of press freedom violations than the previous year, 2022.



Though the graph depicts declining data from 2020, FF has recorded varying nature of violations, increasing shift of violation towards online space which warrants attention.

2. Impunity watch

As was the indifference in the previous years, there was no response from the State agencies to address impunity relating to crimes against journalists in 2023 as well. It is worth mentioning that though few cases from the conflict period have been solved,

⁴ <https://nepalpressfreedom.org/main/issue-single/1401>

⁵ <https://nepalpressfreedom.org/main/issue-single/1390>

some are still pending and the journalists' families are desperately waiting for justice, while prosecution is yet to start in few cases⁶.

Since conflict period to date, FF has recorded 23 murder cases of journalists. They are:

2.1 Solved cases

Five cases of long pending impunity have been cleared with final verdict from the courts. Convicts of cases—Uma Singh, Birendra Sah and Arun Singhaniya and Yadav Poudel — were arrested and sentenced to jail. Though the court has given its final verdict on Dekendra Raj Thapa's case, three convicts- Keshav Thapa, Bam Bahadur Khadka (Mukti)and Bhaktiram Lamichhane are still absconding and police are searching for them.

2.2. Cases registered at Truth and Reconciliation Commission

Cases of slain journalists- Nabaraj Sharma 'Basanta', Krishna Bahadur Sen, Gopal Giri, Ishwor Budhathoki, Kumar Ghimire, Dev Kumar Acharya, Raj Kumar KC, Kamal AC, Mahenswori Pahari, and Ambika Timilsena are pending at TRC.

2.3. No investigation, no prosecution

Cases of slain journalists- Jagat Prasad Joshi, Jamim Shah, Rohan Chaudhary, Ganesh Chaudhary, Khagendra Shrestha and Devi Prasad Dhital are yet to be investigated and prosecuted by the concerned authorities and adjudicated through an independent judiciary.

3. Law and Policy watch

3.1 Federal level

Though the country got newly elected House members after three-tiers of governments for second time after new constitution 2015, no positive improvements in legal and policy reforms were observed during this past year. Lately, the government principally agreed to formulate four media-related bills - Media Council Bill, National Mass Communications Bill, Information Technology Bill, and Social Media Regulation and Management Bill on November 30.⁷ The Media Council Bill which was tabled at the parliament on May 8, 2019 was later retracted.

Similarly, National Mass Communications Bill also aims to replace three old acts related to media and journalism. It was approved to be presented at the parliament seven years back but the government failed to finalize it. The Public Service Broadcasting Bill brought to unify state-owned media Radio Nepal and Nepal Television and transform into a public service broadcaster is under discussion in the House of Representatives committee.

⁶ <https://kathmandupost.com/columns/2023/11/01/ensure-justice-to-journalists>

⁷ <https://freedomforum.org.np/nepal-govt-all-set-to-formulate-media-related-bills/>

The line ministry recently released drafts of the National Mass Communication Bill and Media Council Bill on December 21 seeking inputs from the public. Though it is a positive move of the government, whether the recommendations will be addressed in the final bill is yet to be seen.

Moreover, the Council of Ministers introduced Directive on Operation of Social Networking Sites-2023 in November which also drew flak due to its provision of regulating social media, thereby intending to suppress FoE. Similarly, National Cyber Security Police 2080 BS was also endorsed in August, 2023 which failed to incorporate recommendations from the concerned stakeholders and yet has few objectionable provisions.

3.2 Province level

In 2023, no laws and policies related to media were drafted and/or discussed in Madhesh, Karnali and Sudurpaschim Provinces.

- Bagmati Province government amended the Province Communications and Media Management Act 2075 BS and published it in the gazette on November 9, 2023.
- In Gandaki Province, the Mass Communication Management Bill is under discussion at the provincial assembly's legislative committee.
- Lumbini Province assembly passed the Lumbini Communications Policy 2075 BS and Media Management Act 2079 BS while Province Communications Regulation 2080 BS is yet to be finalized by the provincial government.
- The Koshi Province government decided to present Mass Communication Bill 2080 in the province assembly on December 27, 2023.

3.3 Local level

To a positive note, Kathmandu Metropolitan Office passed the Information and Communications Act on July 14, 2023. The Act, which is however to be implemented, can be a model for other provinces as it clearly defines local government's scope and approach in regulating media.

4. Shrinking economy threat to media sustainability

The national economic slump caused a severe financial crisis in Nepali media. Already impacted much by the Covid-19 and Russia-Ukraine crisis, the economic activities shrank to the extent that limited sources of advertisement to the media.

Economic impact on the one hand and thriving digital markets and platforms on the other, the advertisement market dwindled badly, resulting in huge retrenchment in media- curtailment of newspaper pages, massive layoff of staff and journalists, closure of regional media offices, job hopping among journalists.

More appalling this year is- media persons resorted to leaving the country for foreign employment. It reflects not only the condition of media industry but also of entire

national economy. Freedom Forum has received updates from across the country that dozens of media persons quit the profession and are leaving for foreign job.

Journalist Padam Bishwokarma, who had worked in different media for over a decade, left for Australia in August. Another journalist Dhiran Bahadur Khattri, also is preparing to go to the UAE for work, quitting his a decade-long journalism career⁸.

Meanwhile, the economic impact has made some traditional media to open public shares. Apparently, the shares sold to public seem that the private media has turned into public, it has rather benefitted the media house than catering the quality news and addition in news content.

Many journalists laid off and those who left the media on their own tried to find their niche in digital sphere, however the source of financial back up is weak and are not up to the mark.

Out of over 4,000 online media running in Nepal, very few are running comfortably. The advertisements are shifted to digital platforms such as Meta and WhatsApp, Viber and others, which are new challenges to both traditional and digital/online media.

According to the Advertisement Association of Nepal (AAN) estimate, the advertisement market of Nepal was some Rs 14.70 billion in the fiscal year, 2078/79, which declined to Rs 12 billion in 2079/80BS. The market is likely to drop around Rs 10 billion or less this year. One fourth of the advertisement- nearly Rs 3 billion- now goes to social media, which is likely to grow more. It is a sheer challenge to both legacy and new/digital journalism platforms.

FF's study has shown that as high as 100 media outlets from seven provinces have stopped their operation and approximately 243 media persons quit their jobs in 2023.

These examples are enough to show the tragedy Nepali media faced this year and it is not sure how long the crisis persists.

5. Digital sphere

FF recorded a series of the government's actions intended to suppress freedom of expression and citizen's freedoms in digital space too.

5.1 TokTok banned

On November 13, 2023, the Council of Ministers decided to ban a popular social media platform, TikTok in Nepal reasoning the platform spread malicious contents and was harmful to social harmony⁹. The decision was made a few days after the introduction of Directives on Operation of Social Networking Sites-2023. Evidently, it was against national legislation and international human rights instruments on FoE.

⁸ <https://onlineradionepal.gov.np/en/2023/12/18/369060.html>

⁹ <https://freedomforum.org.np/ban-on-tiktok-is-a-violation-of-the-freedom-granted-by-the-nepals-constitution/>

5.2 Misuse of state agencies against FoE unabated

Press Council Nepal (PCN) is a media regulatory body which has jurisdiction to seek clarification over published news contents on the basis of complaints it receives. But its actions have been found to be more authoritarian and restrictive than regulatory one.

In 2023 alone, PCN took action against 71 online media including news portals and online television channels. The Council asked the Nepal Police to investigate and take action against 18 YouTube channels on March 20 and 35 YouTube channels on December 3 for 'publishing rumor, exaggerated and obscene contents' which, it argued, violated code of conduct.

Similarly, the Council wrote to Nepal Telecommunications Authority to block one online news portal on May 6 and 17 portals on November 22 for allegedly violating journalists' code of conduct and 'publishing contents inciting violence'.¹⁰ The Council, however, failed to disclose noticeable evidence of violence or incitement through media content it has alleged of.

5.3 AI and Mis/Disinformation

The spurt of digital spheres has helped citizen propel their voices in a convenient manner, and so is the case for journalists. They are assisted well in preparing compelling news stories and copy-editing with additional information and research. However, digital sphere and the emergence of artificial intelligence (AI) are not free of risks.

Journalists' capacity building is imperative to deal with digital spheres effectively and capitalize its benefit and advancement anchored by AI so that negative sides would be subsided and positive ones leveraged.

Not only citizens but also media persons and media houses are bearing the brunt of spread of misinformation and disinformation. When there are critical political developments, elections and disasters, spread of mis/disinformation takes a toll on media. Media are discredited, thereby denting their credibility.

6. Comedian fined

Comedian Apoorva Kshitiz Singh was arrested twice in 2022 for his stand-up comedy¹¹. He was arrested for allegedly hurting the sentiment of the Newar community. Later, on October 20, 2022 he was released on bail over court guarantee of 250 thousand. Recently on November 26, 2023 the Kathmandu District Court fined Singh Rs 10,000 deeming him partially responsible for offenses related to public peace, caste discrimination and untouchability on November 26, 2023.

7. NHRC safety mechanism made functional

To a positive note, the National Human Rights Commission (NHRC) has reactivated its safety mechanism by amending the Directive relating to the protection and promotion

¹⁰ <https://freedomforum.org.np/press-council-nepal-continues-diktat-on-online-media-directs-to-remove-contents/>

¹¹ <https://freedomforum.org.np/comedian-singh-rearrested/>

of freedom of expression. The mechanism looks into the journalists' rights and safety and protects FoE. The amendment of Directive with the participation of wider stakeholders, including Freedom Forum, incorporated digital sphere and redefined freedom of expression and safety of journalists as per changed context where digital spheres are utilized much for FoE practice. Also, the safety mechanism at provincial level is another salient feature of the amendment. Although the Directive was brought in 2017/18, it was waiting effective operationalization. The present amendment and NHRC's decision to hold regular meetings is believed to contribute to making functional the safety mechanism.

8. Labour dispute surges in media

This year also observed serious plight of the journalists working in mainstream media. Dozens of journalists had to quit their jobs for underpayment and non-payment. Few media houses even urged the working journalists to quit the job reasoning financial crisis.

The existing Working Journalists' Act ensures journalists' right to be paid minimum wages by the media houses. Even a big media house- Kantipur Publications cited economic slowdown as retrenchment, resulting into tussle between the journalists and media house. Journalists' protest hindered the circulation of newspapers. It is a stark reminder of labour dispute in media house.

Observations

- Populist political leaders have been targeting media repeatedly, which is likely to increase further.

Mayor of Dharan Sub-metropolitan city Harka Sampang verbally abused reporter at Galaxy 4K Television Prakash Timsina and executive editor at Blast Khabar daily Bhojraj Shrestha in a program on April 26. Journalists were misbehaved while reporting on the postponed executive meeting of the sub-metropolitan city office. When they tried to ask a question, Mayor Sampang asked the journalists which political party they belonged to. "Mayor Sampang alleges the journalists who write news critical to him as a 'journalist of political party', the journalists shared.¹²

- Discrediting media and journalists critical to any parties or leaders is on rise.
- The journalists investigating corruption, financial irregularities and administrative malfeasance are on target as in the past.
- The indifference of government and parliament continued this year too for media reform, thereby setting aside the media related bills and policies, while the directive and policies on cyber security and management of social network failed to ensure guarantee of FoE and journalist's rights.
- Nepali media is in need of immediate rescue.

¹² <https://nepalpressfreedom.org/main/issue-single/1378>

- The little or no-reporting on people's problems and governments' activities owing to financial constraints in media have emboldened government and political parties to suppress media freedoms and co-opt media persons.
- In case of critical political developments, disaster, crisis and elections, Nepal may witness polluted information ecosystem with surge of mis/disinformation. Trust in media must be retained to restore faith in institutions and system, and to foster democracy.
- Sudden downsize of advertisement in Nepali media industries and shifting advertisement to social media and other digital apps is also weakening media industry.
- It is serious trend that big tech companies and platform began censorship, thereby curtailing free speech.

A leading social media company Facebook (Meta) removed a post of Freedom Forum Nepal on October 29. The post was about FF's solidarity and signature to a joint statement of civil society organizations around the world to support immediate restoration of telecommunications and other essential services in Gaza and other affected areas to ensure that international and humanitarian law are respected.¹³

Recommendations

i. Journalists safety

- Incidents of press freedom violations should be properly investigated and prosecuted to reduce impunity and ensure safe environment for free media.
- The government agencies and NHRC's safety mechanism should be concerned more on investigative journalists and public interest reporters.
- Nepali media houses must respect labor rights' and professional sustainability of the working journalists.
- The increasing trend of closure of media houses and experienced journalists' quitting profession is a worrying trend so, for the sustainability of professional journalism viable alternative media platform is needed. Therefore, the government and development partners of the country should pay attention for the support of alternative media.
- Boosting advertisement industry for mainstream media is essential. Collaboration from private sector and government is imperative to create advertisements. Government advertisements should be fairly and proportionally distributed to all media.

¹³ <https://freedomforum.org.np/facebook-censors-voice-of-global-civil-society-on-blockade-of-internet-and-telecommunication-in-gaza/>

ii. Impunity

- The more inaction on transitional justice process, the more woes to victim journalists' families and their wait for justice. So, the transitional justice mechanism should be more functional to solve the impunity related issues in line with international standard of transitional justice.
- Remaining cases of slain journalists should be investigated and prosecuted by criminal justice agencies and adjudicated by the independent judiciary at the earliest.

iii. Law and policy

- Prevailing inaction and uncertainty in media policy and law needs immediate cease.
- Proposed media-related bills at the federal level should be passed by the parliament and enforced properly so that it will pave way for the sub-national law and policy initiatives in right track.
- Majority laws related to media at federal and provincial levels are being drafted as criminal law which is wrong. Media law must be a civil law.

iv. Digital space

- Proper initiatives should be taken with inputs from multi-stakeholders to regulate social media so that freedom of expression and journalists' rights on cyber space would be protected and promoted.
- Blanket approach to manage social network has curtailed citizen's freedom of expression, which must be ceased.
- Capacity enhancement of journalists on digital technology including AI in journalism practices is necessary to make them more competitive and familiar with contextual changes and challenges.
- Massive digital literacy is essential to make social media and other digital space safe.
- Study, research and assessment bears equal relevance to understand impact of AI in Nepali media.
- Digital and cyberspace related law and policy must ensure rights guaranteed by the constitution and international law so that human rights friendly cyber laws would be in practice. Similarly, accountability of digital platform/tech companies towards citizen's freedoms must be ensured.
- It is urgent to stop misuse of different authorities like Press Council Nepal and other agencies to stop suppression of online freedom
- The concerned authority should take action against online harassment and threats targeted to female journalists.

~THE END~