

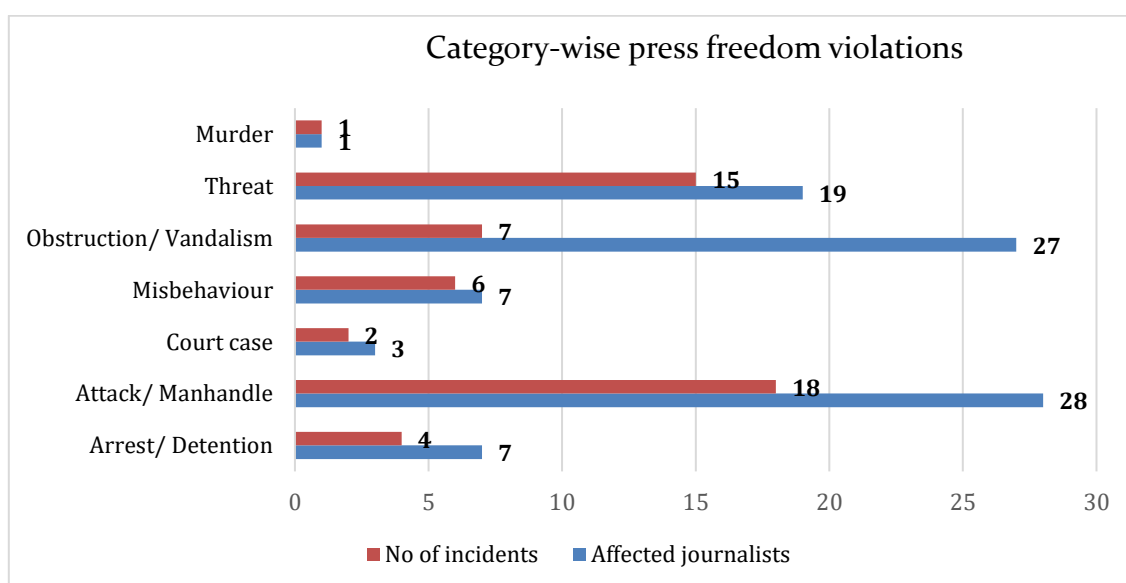
Hostility to Media Continues Unabated

Increased number of media persons affected by the press freedom violations; delayed law-making on media freedom and journalists' rights; weak enforcement of RTI law; noncooperation from any side for recovery of media suffering a financial crisis; floods of misinformation, disinformation and malinformation polluting information ecosystem and discrediting media in the wake of rising digital spheres and expansion of internet; continuous shift of advertisement to digital platforms and applications; and pending cases of impunity featured significantly in 2024. Media sustainability warrants constant attention and engagement for favorable legal, political and financial atmospheres so that FoE and journalists' rights would be protected.

1. Press Freedom Status

Total 53 incidents of press freedom violations were documented by Freedom Forum in the past one year- January 1, 2024 to December 31, 2024. The violations directly affected 92 media persons, among which, 15% were female and 85% were male. The number of press freedom violations stood one more than that recorded in the previous year 2023. However, number of affected media persons is higher with more number of female journalists affected.

1.1 Violations: Attack/ Manhandle most common



This year, FF categorized the violations recorded into six types- a) arrest/detention b) attack/ manhandle c) court case d) misbehavior e) obstruction and e) threat to life.

The major press freedom violation recorded this year was attack upon 28 journalists, followed by 27 journalists facing obstruction while reporting. Total 19 media journalists received threat to life through different mediums (phone calls, messages, social media platforms). Seven journalists were detained, seven faced misbehaviors and three faced court cases under charge of cybercrimes.

The year 2024 recorded a murder of journalist from Sudurpaschim province, Suresh Bhul, for his activism against corruption at the local level. Bhul, an RTI activist, and journalist had initially been threatened for his RTI campaign and was later brutally attacked for allegedly stealing goat of a local. Initially doubted whether it was because of media profession he was killed, later, it was found theft was fabricated for his murder over his RTI activism and media. Although most of those involved in murder were arrested, one is still absconding. It is essential to bring to book the absconding one and ensure justice to victim family.

Three journalists have also been facing lawsuit under cybercrime charge for the reporting. A media outlet sidhakura.com is also facing cybercrime case at court.

Reporter at www.sidhakura.com and birgunjcity.com, Jiyalal Prasad Sah, from Madhesh Province has been facing charges of cybercrime under the Electronic Transaction Act for his news reporting and sharing in his online news portal. He shared, "On September 19, 2024, I wrote news about the Mayor's fraudulent activity, but the Mayor filed a cybercrime case against me."

A media <https://thedmnnews.com/> also faced an obstruction on digital platform to make its posts.

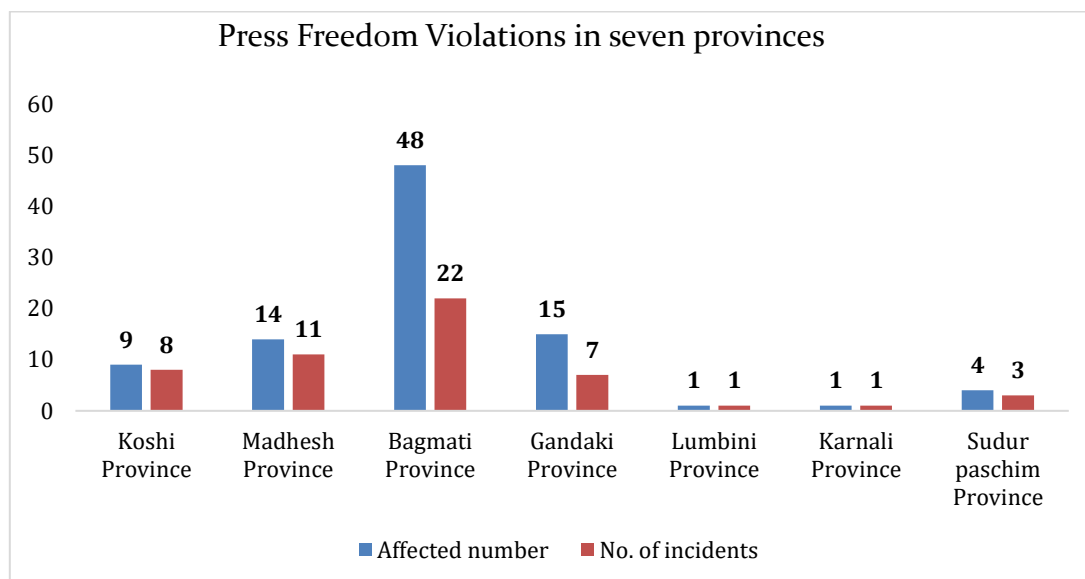
To emphasize, though there were less incidents of obstructions; more journalists were affected because they were reporting in groups.

1.2 Bagmati Province with majority violations

As in previous years, the highest number of press freedom violations were recorded in Bagmati Province with a total 22 incidents followed by Madhesh Province (11 incidents) and Koshi Province with eight cases. Similarly, seven incidents took place in Gandaki

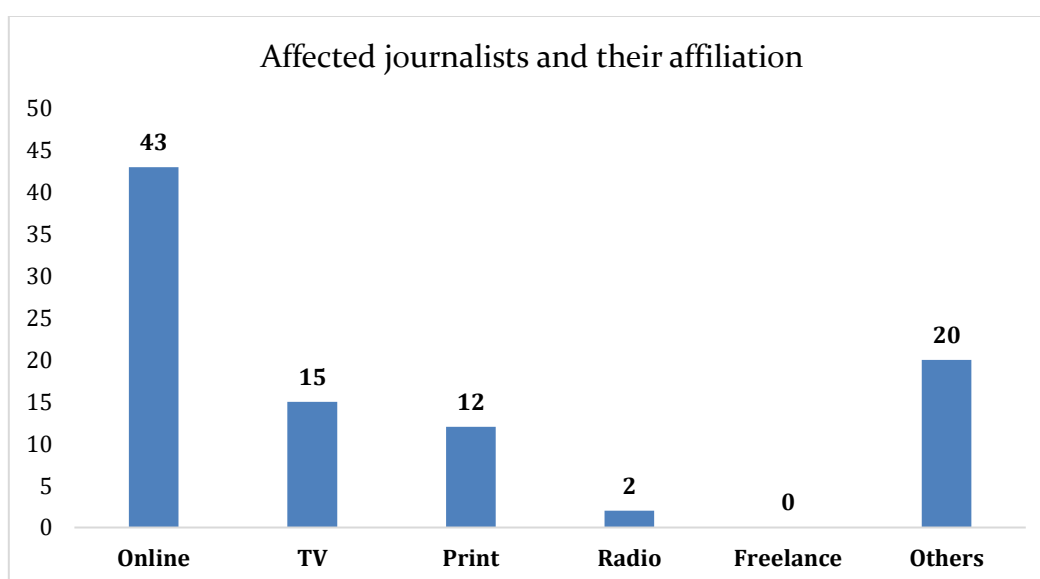
¹ <https://nepalpressfreedom.org/main/issue-single/1471>

Province, three in Sudurpaschim Province and one each in Lumbini and Karnali Provinces.



With maximum violations in Bagmati Province, number of affected journalists is also the highest in this province- 41 males and 7 female journalists. It is followed by 15 journalists (including two females) facing violations in Gandaki Province, 14 journalists (including one female) in Madhesh Province, nine (including three females) in Koshi Province, four (including one female) in Sudurpaschim Province and one each in Lumbini and Karnali Provinces.

1.3 Online journalists most targeted



Of the total affected media persons in 53 incidents, majority are associated with Online media (43) followed by Television channel (15), Print media (12) and Radio (2).

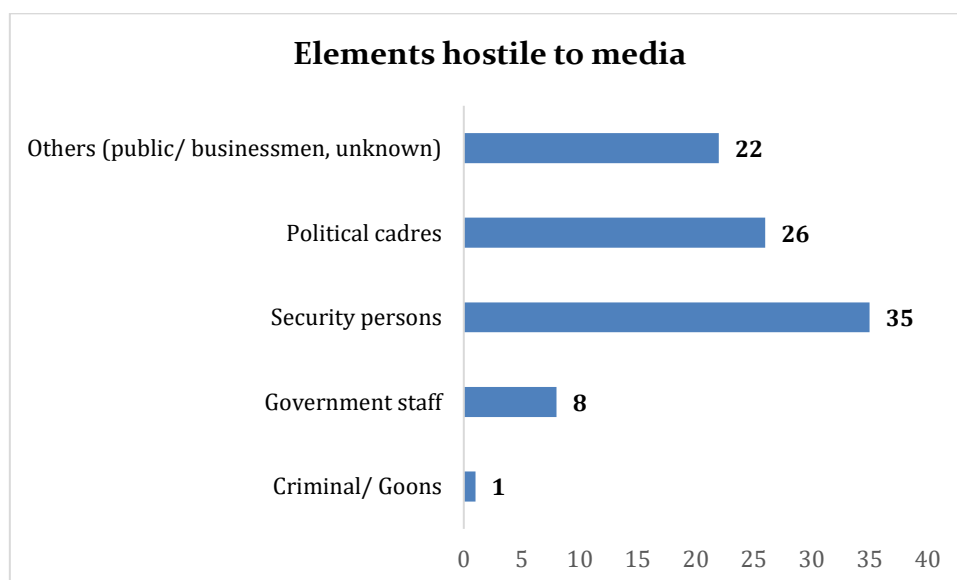
The incidents where journalists are associated with news agencies and are attacked while reporting in a group are categorized under 'Others' category in this section.

In the aftermath of COVID-19 pandemic, FF has been recording an increasing number of attacks on journalists associated with online media. This trend continued in 2024 too. It is again followed by television journalists' this time similar to the previous year 2023.

As compared to the previous year's data, number of affected journalists associated with other type of media is nearly similar but those from online news media has increased significantly (by 50%).

1.4 Hostile elements

Out of 92 affected journalists, 22 faced intimidation from the general public, local contractors, businesspersons, private entities, fellow journalists, unknown sources, etc. in different incidents. These are categorized under 'Others' category in the figure.

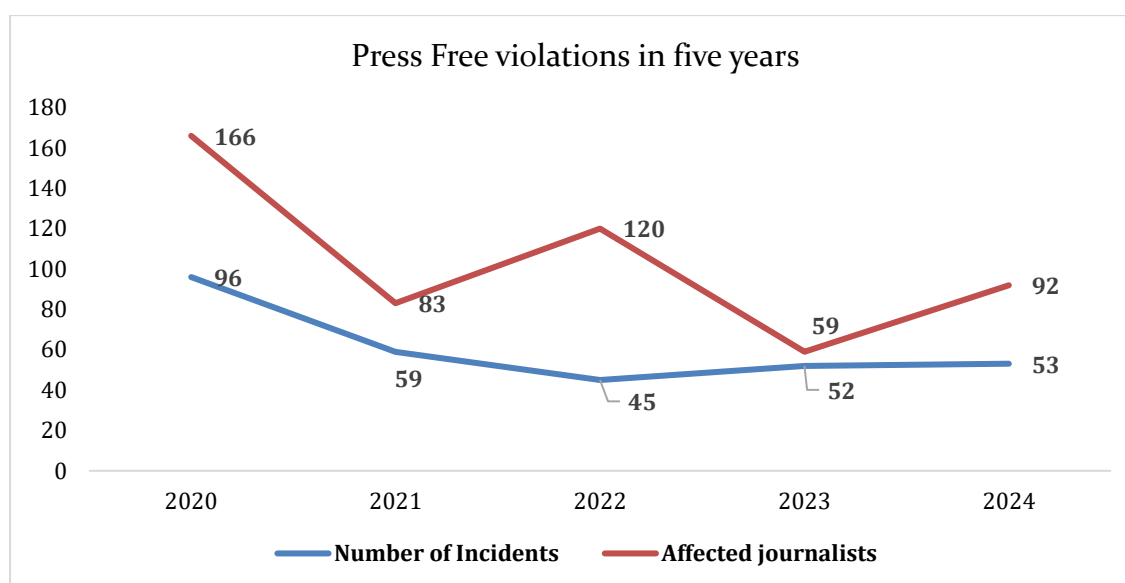


While security persons (35) are the most hostile to media and journalists, political leaders and their cadres follow the list in second position affecting 26 journalists. This is again followed by government official and criminal/ goons intimidating eight and one journalist respectively.

The hostility meted out by Mayor of Dharan Sub-Metropolitan City, Harka Raj Rai Sampang, was prominent this year.

1.6 Violation trend in five years

The yearly trend for the last five years 2020-2024 shows that this year is a huge decline from 2020 but same as to 2023. Importantly, the number of affected journalists has notably increased from last year. Only 59 journalists were affected last year, but 92 this time.



FF has recorded increased violation against women journalists this year. It his noticeable trend.

2. Impunity watch

Cases of impunity for crimes against journalists awaiting investigation and justice were not addressed this year too. Despite passage of Transitional Justice Act creating hope, the uncertainty over the appointment of new officials in the transitional justice mechanisms is posing challenges over timely justice to the conflict victims including the journalists murdered and forced disappeared in the armed conflict in Nepal.

The cases of slain journalists- Nabaraj Sharma 'Basanta', Krishna Bahadur Sen, Gopal Giri, Ishwor Budhathoki, Kumar Ghimire, Dev Kumar Acharya, Raj Kumar KC, Kamal AC, Maheswori Pahari, and Ambika Timilsena registered at TRC are in limbo.

Similarly, no concrete steps were taken to initiate investigation and prosecution on cases of slain journalists Jagat Prasad Joshi, Jamim Shah, Rohan Chaudhary, Ganesh Chaudhary, Khagendra Shrestha and Devi Prasad Dhital.

3. Law and Policy watch

3.1 Federal level

The year 2024 saw some developments on media related laws and policies, but eluded milestone. Development on public service broadcasting is laudable. The introduction of Public Service Broadcasting Act is a new progress, paving way to adopt public service broadcasting with the merger of State-run Radio Nepal and Nepal Television. Even the Chief of the Broadcasting Authority has been appointed to accelerate the transformation of State-run media to public service. However, its true transformation to PSB is awaited in terms of governance, finance and content determination.

Nepal's President had authenticated the Public Service Broadcasting Bill on October 8, 2024. It is worth mentioning that Freedom Forum had advocated for PSB concept and adoption of its bill for two decades in Nepal.

Similarly, Media Council Bill is endorsed by the Upper House of the federal parliament with few improvements, but waiting passage from the Lower House, House of Representatives with further clarity and amendments. The lawmakers have assured of its amendment to the Bill to make Media Council more contextual and independent.

Social Network Management and Operation Bill 2024 was submitted to the Office of Prime Minister and Council of Ministers on November 17, 2024. The bill is awaiting approval for getting tabled at the parliament. The bill has drawn serious attention of all the concerned including citizens. Its provisions are likely to suppress citizens' right to FoE and human rights online.

Ministry of Communications and Information Technology released IT and Cybersecurity Bill on March 2024 seeking public feedback. The Draft bill will replace the existing Electronic Transaction Act after enactment. The draft bill has also drawn attention of the stakeholders for its provision on data protection and digital rights of citizens². Making law on National Mass Media has been pending for long. Due to

² <https://myrepublica.nagariknetwork.com/news/fortifying-nepal-s-cybersecurity-analyzing-legislative-initiatives>

delayed law making, existing anti-press law like Electronic Transaction Act is misused again and again to suppress citizen's right to FoE and journalists' rights which criminalizes citizen's exercise of FoE on digital platforms.

3.2 Province level

In 2024, no new laws and policies related to media were drafted and/or discussed in Koshi, Madhesh, Bagmati, Lumbini, Karnali and Sudurpaschim Provinces.

In Gandaki Province, the Mass Communication Management Bill was passed by the provincial assembly's legislative committee. Thereafter, Press Registrar Office was established and a Press Registrar appointed.

In all the provinces, the laws under discussion at the parliament are still pending.

4. Financial crisis perpetuates

Nepali media facing financial crisis since Covid-19 is not recovering but transitioning to digital fronts. However, there is no presence and adoption of any sustainable measure of digital news media to protect freedom of expression and foster vibrant journalism.

The migration of advertisement from the legacy media- print, radio and television- to the digital media and Apps took a huge toll on media sustainability in terms of finance. Number of digital media grew alarmingly, seizing the opportunity to influence the information consumers.

Neither government nor corporate entities has given any incentives to the media suffering the crisis, while they hail the role of media being together for democratic movement.

5. Digital Sphere and Media

It was positive that the government lifted a ban on TikTok on August 22, the most used mini video sharing platform in Nepal. But the subsequent comments of the government and leaders on information shared on digital spheres are not supportive to freedom of expression and critical thoughts.

- *A youth was grilled by the police over his Facebook post on a Minister. A news story relating to then Home Minister was run by the Nagarik national daily in the front page on April 25. Ganesh Man Thakuri, a resident of Jajarkot district of Sudurpaschim Province was arrested and brought to Cyber Bureau of Police office, Kathmandu for an inquiry upon his social media post. According to the Nagarik national daily, Thakuri had posted a*

comment on a Facebook critical to Home Minister Rabi Lamichhane. During the police inquiry at cyber bureau, officers asked him to show the proof of what he had written on the Facebook posts' comment and threatened to send him to jail as per order of the Home Minister³.

- In another incident, two youths were briefly taken under control in Dhangadhi for their critical social media post on August 28. Prateek Joshi and Rachit Shah were kept in detention for around six hours at District Police Office and later released after signing a letter stating that they would not share such critical posts on their social media pages.
- Two youths were held for pasting pamphlets as a sign of protest in various places of Janakpurdham on March 13. Pankaj Jha and Manish Purve were arrested for pasting doctored images of then Prime Minister Pushpa Kamal Dahal and Deputy Prime Minister Upendra Yadav. Police have arrested them under National Penal Code 2017, Section 118 Prohibition of Indecent Conduct.

With the number of people using digital platforms, especially Facebook and Twitter, on rise, any critical thoughts on political party or leaders were facing repercussion. The party supporters are mobilized to discredit journalists and independent thinkers online.

- Gopikrishna Jaisi, Dipak Thagunna and Ram Bahadur Budha were arrested on August 27 for sloganeering against the senior political leaders at 'Gaura' festival celebration event held on August 26 in Tundikhel, Kathmandu. With pressure built by the civil society for their right to freedom of expression, later on August 30, they were released on bail after paying security deposit amount Rs. 9000 each⁴.
- Comedians duo Madan Krishna Shrestha and Hari Bansha Acharya, popularly known as Maha Jodi, faced severe cyber trolls for their views against the arrest of media mogul Kailash Sirohiya. A day after the arrest of Sirohiya, Chairperson of Kantipur media group, Kantipur Television had interviewed various experts and media professionals including comedian duo for their views on arrest of Sirohiya. During the interview, they had expressed concern over government's move to arrest media owner Sirohiya. Later on May 27, they appeared in a short video, saying, "They should not have been spoken on the matter sub judice in the court."⁵

³ <https://freedomforum.org.np/youth-grilled-over-facebook-post-on-minister-police-denies-harassment-says-he-was-enquired-over-obscene-post/>

⁴ <https://freedomforum.org.np/youths-arrested/>

⁵ <https://freedomforum.org.np/with-spiraling-cyber-trolls-comedian-duo-regret-views-against-govt-move-to-arrest-media-entrepreneur-sirohiya/>

Flood of disinformation created and augmented with cutting-edge technology, artificial intelligence (AI), not only polluted entire information ecosystem but also played a significant role to discredit media, democratic institutions, political parties and leaders alike.

The populist politics which leveraged the digital spheres equally played its part to spread the disinformation and create counter narratives, thereby putting the information consumers at the receiving end.

Misuse of state agencies continued this year too with the Press Council Nepal (PCN), a media regulatory body, imposing hurried ban on YouTubers and online media and writing security agencies for action over the news contents.

6. Right to Information faces hindrance

It is appreciative that the National Information Commission has got appointment of officials on time. However, implementation of RTI requires activism to build good governance and bolster democratic values where citizen's FoE and journalists' safety would be ensured.

The SDG 16.10 (b) has not been given adequate attention in terms of RTI implementation: setting and updating indicator, baseline and target on it are awaited.

This year Freedom Forum recorded few incidents where journalists and activists faced intimidation for seeking information on the issues of public concern.

Campaigners Ashmita Khatri, Adharsha Chhetri, Raju Sunar and Prem Shrestha were arrested based on a complaint of the municipality on June 18. However, the court ordered police to release six activists reasoning lack of evidence to keep them in police custody. The court asked them to appear whenever summoned at the court.

Chief Administrative Officer of Shivasatakshi Municipality, Jhapa verbally abused noted RTI activist Sharada Bhusal for requesting information on March 31. Activist Bhusal had requested information relating to the municipality's internal and external audit reports using RTI application on January 31, 2024 through email.

In four incidents, journalists were mistreated for requesting information at local levels and questioning the local representatives during public hearing programs.

7. Journalists' safety mechanism goes to provinces

The National Human Rights Commission (NHRC) central and provincial mechanisms for freedom of expression and journalists' safety took a significant step forward in 2024

following the amendment of the Directive on the formation and operational procedures for the safety mechanism for the protection of freedom of expression (FoE). The central-level directive committee accelerated the establishment of seven safety networks across the provinces. Each network comprises at least seven members with representatives including from NHRC Province Office, FNJ Province, security agencies, NGO Federation in province, and High Court Bar.

These mechanisms have carried out their functions in the provinces, providing support to media personnel and citizens alike. Notably, the mechanism took swift action in the case of journalists Sanjita Dhamala in Koshi Province and Mohan Singh in Karnali Province. Similarly, the mechanism in Koshi Province expressed concern over the threat issued to investigative journalist Gopal Dahal.

Observations

Hostility to investigative journalism continues

The investigative reporters are frequently in target for bringing to light the financial irregularities, politico-bureaucratic collusion and administrative malfeasances.

Mayor of Dharan Sub-Metropolis, Harka Raj Rai (Harka Sampang) continued his hostility to intimidate journalists and critical commenters. He not only harassed a female journalist but also issued series of threats, and mobilized supporters to issue death threats to the investigative journalist, Gopal Dahal.

- Journalist Miss Sanjita Dhamala was publicly censured, spoken foul words and removed from the Mayor Sampang's office mobilizing security persons for posing a critical question. She was further attacked by his supporters when she was in a line at a hospital.
- Gopal Dahal repeatedly received threat and death threat for writing a news story on Mayor Sampang's undemocratic and random activities in the sub-metropolis spanning from assigning his responsibility to a member rather than to deputy mayor in his absence to the encroachment of forest area. His highhandedness

and indiscriminate decision making resulting into disorder in management was exposed by Dahal's reporting.⁶

Mayor Sampang took to social media, Facebook, on December 4 and threatened the journalists of 'ending their career.' They were threatened for an investigative story on 'arbitrary rule of Harka Sampang; Dharan mired in irregularities' for the Centre for Investigative Journalism (CIJ). The CIJ published the story on its website. Reporter Dahal continues to receive threat from the mayor and his supporters.

Journalists' Integrity and Professionalism at Risk

- ✓ Protecting source of information is a vital part of journalist's integrity. However, noticeable incident of erosion was observed this year. The journalists who faced prosecution divulged the identification of the news source, denting professional integrity.

Publisher Yubaraj Kandel and Executive Editor of an online news portal, sidhakura.com, Nabin Dhungana faced a contempt of court case on September 29. The Supreme Court of Nepal handed down three months' imprisonment to them and the media was also fined Rs. 5,000. Journalists were released after a week of jail term following their apology note submitted to the court as directed on the court's order. However, they are still facing charges under Electronic Transaction Act for news publication and sharing on social media.

- ✓ Populist political leaders have been targeting media repeatedly, which is likely to increase further.
- ✓ Discrediting media and journalists critical to any parties or leaders is on rise. Even the high level public officials and people's representatives are found discrediting media.
- ✓ Total 1,227 print outlets, 4,753 online media and 32 television channels' have been registered at the Press Council Nepal⁷.
- ✓ The journalists investigating corruption, financial irregularities and administrative malfeasance are on target as in the past. In 2024 alone, 15 male and 4 female journalists were attacked for their investigative reporting on corruption and irregularities at local levels. Out of total 16 incidents where

⁶ <https://cijnepal.org.np/harka-sampang-house-of-cards/>

⁷ <https://www.presscouncilnepal.gov.np/wp-content/uploads/2024/11/Swata-Prakashan-2081-Sawan-Asoj.pdf>

journalists were attacked for reporting on corruption, nine incidents involve corruption and irregularities in municipalities.

- ✓ Some media like Setopati.com and myrepublica.com started subscription-based models for generation of media revenue directly through their audiences, how sustainable it is matter of study.
- ✓ The declined media advertisement had caused massive retrenchment, which is yet to be corrected for full-fledged functioning of Nepali media and journalists' profession. It has direct impact on meager or no-reporting on people's problems and governments' activities, thereby emboldening government and political parties to suppress media freedoms and co-opt media persons.
- ✓ It is usual that in case of critical political developments, disaster, crisis and elections, Nepal is likely to have flood of mis/disinformation and malinformation denting trust and credibility.
- ✓ It is serious threat that big tech companies and platform are imposing censorship, thereby curtailing free speech. With their growing users in Nepal, and lack of proper regulatory provisions free expression online is under threat.
- ✓ As usual, section 47 of Electronic Transaction Act is threatening journalists and citizens for their free exercise of right to freedom of expression. This year too journalists and citizens have been arrested and facing cybercrime charges merely for their posts critical to public figure on digital platforms.

Recommendations and Forecast

- ✓ In the wake of rising intolerance within political parties to suppress oppositional view on the one hand and digital weaponization to attack critical news, views, digital public sphere will not only shrink but also put media in constant fear. The latent intra-party and inter-party dispute over key issues like leadership, workstyle and handling of national affairs, and likely amendment of constitution may be manifested at any time, impacting adversely on citizen's rights, FoE and press freedom.

- ✓ The incidents to occur as repercussions of political conflict will further erode trust and credibility of media.
- ✓ Irrespective of the progress on public service broadcasting advocated for over two decades in Nepal, how the transformation will be materialized requires close observation and support with capacity building of the staffs. The autonomy of governance along with financial and editorial independence are imperative to translate it into the true spirit and objective of PSB.
- ✓ Journalists are in continuous support for capacity building including digital skills and artificial intelligence (AI) so that they would be able to negotiate the modern tech spheres to promote their free expression and journalistic profession.
- ✓ A multi-stakeholder approach for monitoring journalists' code in the wake of digital disinformation is essential to end the unilateral and traditional use of government agency that is sometimes misused to suit government interest, keeping journalists' rights at risk.
- ✓ The truth and justice mechanism relating to conflict victims should be ensured qualified officials so that they would work independently for justice to the conflict victims, including the families of the journalists killed and made enforced disappear.
- ✓ The law making on information and media need acceleration. The advocacy and pressure for timely law making to protect and promote FoE and journalists' rights and safety is essential.
- ✓ Revival of media finance is urgent to create free and vibrant media for functional democracy. Government advertisements should be distributed fairly and proportionally to all media.
- ✓ Only informed and speedy law making on media and journalists in the national and sub-national levels can help create atmosphere for free press in the continuously evolving information technology landscapes.
- ✓ Alertness over one-sided and unilateral initiatives on regulation of social networks is essential so that citizen's freedom of expression would not be curtailed.

- ✓ Digital and AI literacy at scale is urgent from the diverse sectors to help wipe flood of mis/disinformation.
- ✓ Collective, and informed voices for tech platforms' accountability are equally essential to protect citizen's freedoms online.