

## Hostility Continues to Nepali Media

Although the press freedom violations declined this past year (2021), the hostility to media and journalists did not subside. No laws and policies favourable to press freedom, intimidation to journalists even from high level public offices; very late and little progress on impunity relating to crimes against journalists, misuse of Electronic Transaction Act to harass citizens/journalists, noticeable shift of journalists from traditional media to digital/online media, political parties' respect to press freedom limited to verbal commitment, journalists suffering worst in the face of COVID 19 pandemic and urgent need of digital skills among journalists are some observations this year. With the country having elections in three tiers within a year, misuse of media and intimidation on journalists may erode media credibility and dent democratic culture. Monitoring of press freedom along with untiring watch on public agencies and officials to hold them into account should be a regular work.

This past year Freedom Forum recorded total 59 press freedom violation incidents directly affecting 83 media persons among which 11% are female and 89% are male.

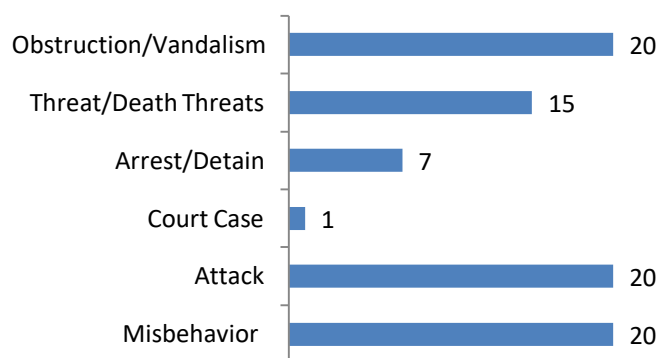
### A. Types of press freedom violation incidents

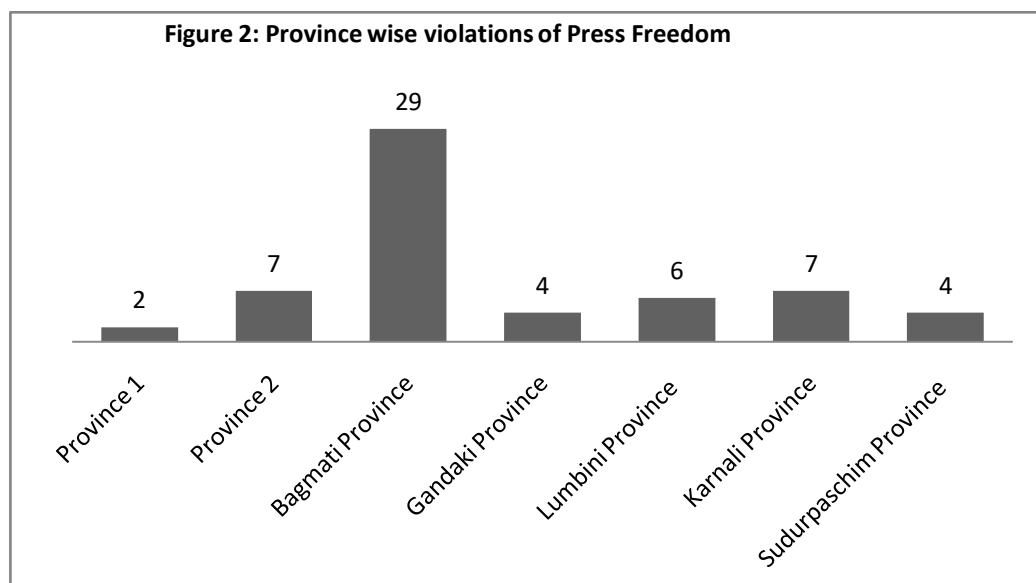
The violations of press freedom are made in the form of misbehavior, attack, threats, obstructions, and arrest. The major forms of violation of press freedom this year were misbehavior against 20 journalists, followed by attack (manhandling) against 20 journalists. Even a court case was initiated against a journalist, and 7 journalists were arrested.

### B. Province-wise press freedom violations

The maximum violations of press freedom were recorded in Bagmati Province with total 29 cases followed by Province 2 and Karnali Province with 7 cases each. The least number of incidents were recorded in Gandaki (4) and Sudurpaschim Provinces (4) and Province 1 with only 2 cases.

**Figure 1: Types of Violation faced by Media Persons**

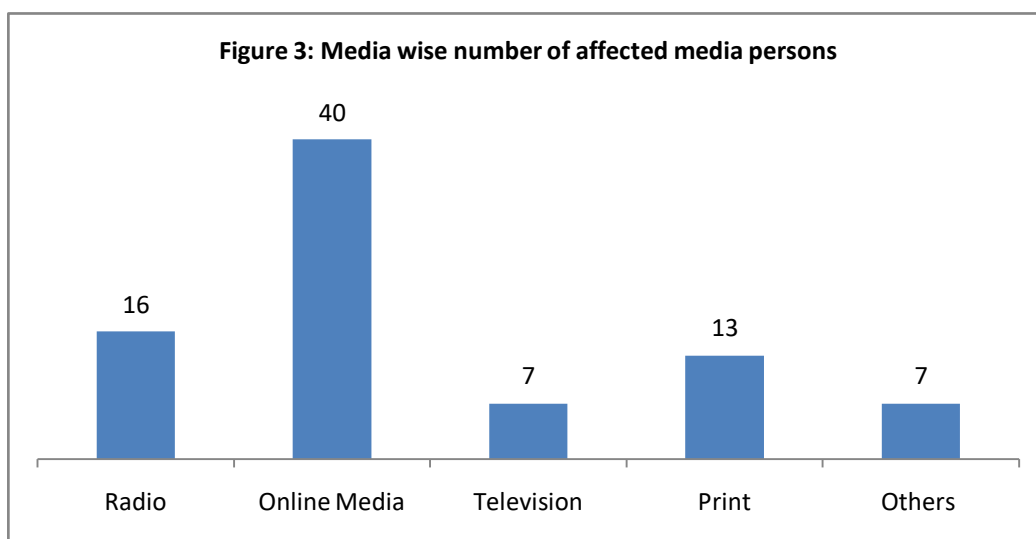




### **C. Affected journalists and affiliated media**

Most of the media persons (40) affected by the violation of press freedom were associated with online media. It was followed by 16 and 13 journalists associated with Radio and Print media, respectively. The least number of total journalists belong to others category and television media facing 7 violations each.

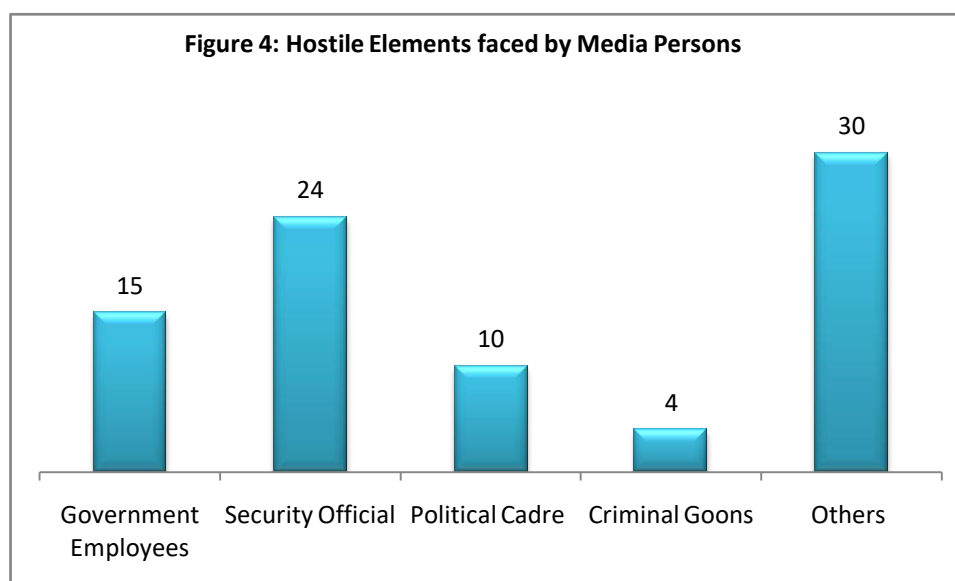
Those incidents listed under 'others' category includes undefined media type and/ or media persons from online television or YouTube media.



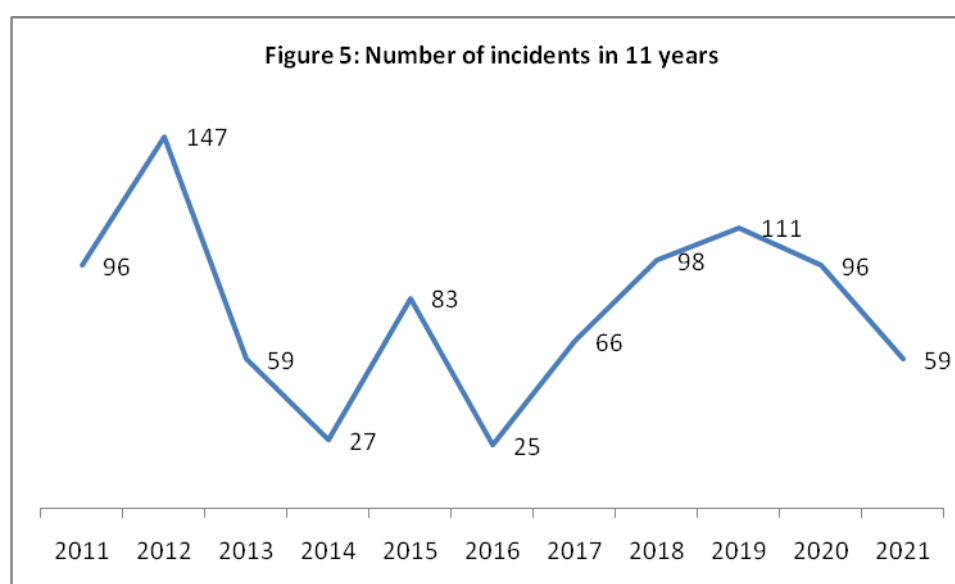
### **D. Elements hostile to Media**

The most hostile elements belong to 'Others Category' affecting 30 media persons. It was followed by arrest/ detain by security personnel and government employees affecting 18 and 15 journalists respectively. The criminal goons were the least hostile element faced by only 4 journalists this year.

'Others' category includes the undefined hostile elements like locals, businesspersons, contractors, hospital staffs, etc.



#### **E. Year wise cases of violation of press freedom**



The yearly trend shows that incidents of press freedom violation are decreasing every year since 2019. Though above line graph depicts satisfactory status of press freedom in Nepal this year, nature of violation incidents describe need for more advocacy and awareness among hostile factors as described below.

## **IMPUNITY UPDATE**

A case of impunity related to crime against journalists- Dekendra Thapa- was addressed this year with arrest of five murder convicts in line with the verdict of life imprisonment on December 12. The case seems to have come to an end after seventeen years of incidence. Though late, the court's verdict and Nepal police action has brought a relief to the victim families and glimmer of hope that remaining cases will also be addressed.

## **LAW AND POLICIES**

This year witnessed the tumultuous political development in Nepal. The Lower House was dissolved twice by the Prime Minister, as a result of which, several bills are pending for long in the parliament. Though the House of Representatives was reinstated by the Supreme Court for both times, existing political turmoil badly affected overall law making process in the country.

The Information Technology Bill has been in the parliament for the last three years. The problematic provisions in the bill that have capacity to threaten press freedom and freedom of expression are therefore yet to be resolved.

Similarly, the government in the beginning of 2021 had planned to introduce a social media directive to regulate social media. The draft prepared by the Department of Information and Broadcasting, under the Ministry of Communication and Information Technology was said to be mandated to bring the directive. And it was said the directive was planned to suppress the inciting speech and statements on social media sites including Facebook and YouTube against high profile people. However, the government stepped back after univocal outcry from civil society, stakeholders and public at large. This indicates that wider consultation and multi-stakeholders' participation is required before formulating any policy and regulations relating to the issues of digital public sphere.

## **TREND ANALYSIS**

Although the number of press freedom violation this past year decreased as compared to the previous year, present data states that press freedom is still under threat in Nepal. The total of 58 incidents were recorded where 82 journalists are directly affected. According to the data, more than 40 percent of the violations are targeted against online media. It reflects the gradual shift of media persons from print or other traditional media to online media. This migration of media persons may be related to the digitalization of the media owing to the crisis due to COVID 19 pandemic. According to the data of Press Council Nepal the number of online media in Nepal has reached 3,000. Thriving of online media can also be attributed to the impact of COVID-19. The journalists laid off and unpaid by the media houses reasoning financial crisis forced them to run online news portal on their own or migrant to the digital media.

Furthermore, the highest cases of violations of press freedom were recorded in Bagmati Province having the federal capital. Among 28 violations of press freedom, more than 45 journalists were affected. Majority of the incidents have occurred in the capital city Kathmandu due to high concentration of media.

It is worth mentioning that the increased internet penetration in Nepal created favorable atmosphere for thriving digital media. According to Nepal Telecommunications Authority the internet penetration has already exceeded 100 percent in Nepal. The increased presence of the public on the internet is also a good omen for rise in media freedom and freedom of expression.

The data also shows that media persons face major threat from security persons and government employees in Nepal. The 29 and 17 percents of total affected journalists faced violation from security persons and government employees respectively. It reflects the utmost need for awareness among them about the values and importance of press in a democratic system.

*One of the glaring examples of state agencies's suppression to media was the interrogation of journalists by the Supreme Court. On 25 May, the Supreme Court summoned the Chief Editor at [www.imagekhabar.com](http://www.imagekhabar.com), Mr. Rajan Kuikel, and Editor-In-Chief at [www.nepalsamaya.com](http://www.nepalsamaya.com), Mr. Narayan Amrit, for interrogation on alleged "baseless news". The journalists were grilled over their source of news. In another incident, the journalists were obstructed while reporting at the Supreme Court.*

The Apex court is a trusted as a guardian of all freedoms, but such intolerant attitude of the court raises questions over its respects towards press freedom. Such incidents not only harass journalists but also discredit independent media.

Several incidents relating to attacks on media persons while covering protests have been witnessed. This indicates low-ranked security persons are in dire need of orientation on rights of press and training to differentiate press persons from mob while taming the protest.

In addition to this, the data shows that there is high involvement of people representative's in the intimidation of journalists. Several incidents like:

*Mayor of Haripur Municipality in Province 2 threatening journalists for reporting long pending construction of Primary Health Care center or Mayor of Chandannath threatening reporter over phone call for writing news critical to her in Jumla, among others.*

These forms of obstructions by people's representatives have been reported from General Convention of Parties, meeting of parliament and Provincial Assembly, police, government Officials, local bodies and even at Supreme Court. Barring the press from covering news is curtailing their freedom. The cost of which will have to be borne by the public and the democratic system.

The state owned media is also under the bad eyes of the government.

*The article entitled – Expectations from Nepali Congress' general convention (in Nepali) –was written by Ghanashyam Bhatta and published on both print and online version of Gorkhapatra national daily on the same day (December 7). The article was removed within a few hours from the online news portal. Author Bhatta posted on his Facebook account stating the article was deleted due to political pressure, poor democracy.*

This tendency of media capture by the government is detrimental to a functional democracy. It exposes our parties' double standard in terms of respecting press freedom. Their verbal

commitment to press freedom on the one hand growing hostile to critical views clearly indicates double standard.

The misuse of Press Council Nepal is another worrying trend continued this year too. Instead of promoting professional media practice by regulating content of media fairly, Press Council Nepal has been time and again suspending and blocking media over critical views to government. Four online media, namely: [www.ehimalayatimes.com](http://www.ehimalayatimes.com), [www.birjungcity.com](http://www.birjungcity.com), [www.koshipati.comand](http://www.koshipati.comand) and [www.nrnkhabar.com](http://www.nrnkhabar.com), online media were blacklisted on the grounds that they disregarded its instructions. Further, other online news portals, namely, [www.nepalaaja.com](http://www.nepalaaja.com), [www.karnalikhobar.com](http://www.karnalikhobar.com) [www.deshsanchar.com](http://www.deshsanchar.com) and [www.setopati.com](http://www.setopati.com) were questioned over their news title. Furthermore, Internet Service Providers were also found putting restrictions over press freedom.

*The Classic Tech Internet Service Provider blocked the news portal <https://ourbiratnagar.net/> for 40 hours, which was operated from Biratnagar. The executive director of the news said that the portal was blocked after two hours of the news publishing about citizen's padlocking at ISP's office.*

This depicts intermediaries are also stifling free expression.

## **ETA ALL TIME NUISANCE**

More appalling is the continued misuse of Electronic Transaction Act against media persons and citizens to suppress their right to free expression.

*Four YouTubers were booked under cyber crime for allegedly broadcasting news accusing a woman's involvement in a fraud.*

Despite the provision relating to defamation under the Criminal Code, the government opts to use the Electronic Transaction Act to give higher punishment. The ETA contains broad and vague terms, which is often misused in a way that favors the State or the party. By the exercise of the provision, the State has been exerting a chilling effect on the press.

## **PROFESSIONAL CAPACITY BUILDING**

The shift of media from print to online medium has also invited hosts of new threats to the safety of journalists. The media persons need to adhere to their code of conduct and development professionalism to minimize these challenges. At a time when digital dominance was increased alarmingly, the journalists' capacity must be enhanced to negotiate the new atmosphere effectively so that they can remain safe and professional. The technical knowhow among journalists is equally imperative to avoid the impact of disinformation/misinformation on media. The skills to foil media discrediting can help restore media image amidst floods of information.

Cyber safety, data protection are others in the to-learn list for media persons.

## **OBSERVATION and PROJECTION**

The above mentioned data and its description paint a grim picture of press freedom in Nepal.

The growing presence of online media in Nepal gives a projection that 'press freedom will mean digital press freedom' in the coming days. So, monitoring of digital public sphere is necessary to monitor freedom of expression and press freedom.

Nepali media and journalists suffered worst due to COVID 19 pandemic and the subsequent lockdown government imposed to contain virus. Non-payment, low payment, forced unpaid leave of journalists and even the death of 16 working journalists as per Federation of Nepali Journalists (FNJ) were recorded this year. Similarly, more than 500 journalists were said to be infected with the coronavirus.

The state agencies and political leaders are the hostile element to media and journalists. It reflects the restrictive attitude of state agencies and politicians. Despite their univocal commitment to freedom of press, there is disparity between the verbal commitment and true implementation. Hence, political and state behaviors need to be monitored and held accountable.

As the country is going to have periodic elections of all three tiers of government in future, coming year may be full of political tussles. The series of party merger and split in the past can be resulted to further tussle as the election approaches. So, the media houses and journalists may be controlled and intimidated for and against their favor or media coverage. The political protests and undisciplined election campaign may turn further hostile to reporters, and photojournalists.

More professional and enhanced practice of media is required in future to fend off media discredit with possible campaign of political misinformation and fake news on the run up to elections.

