

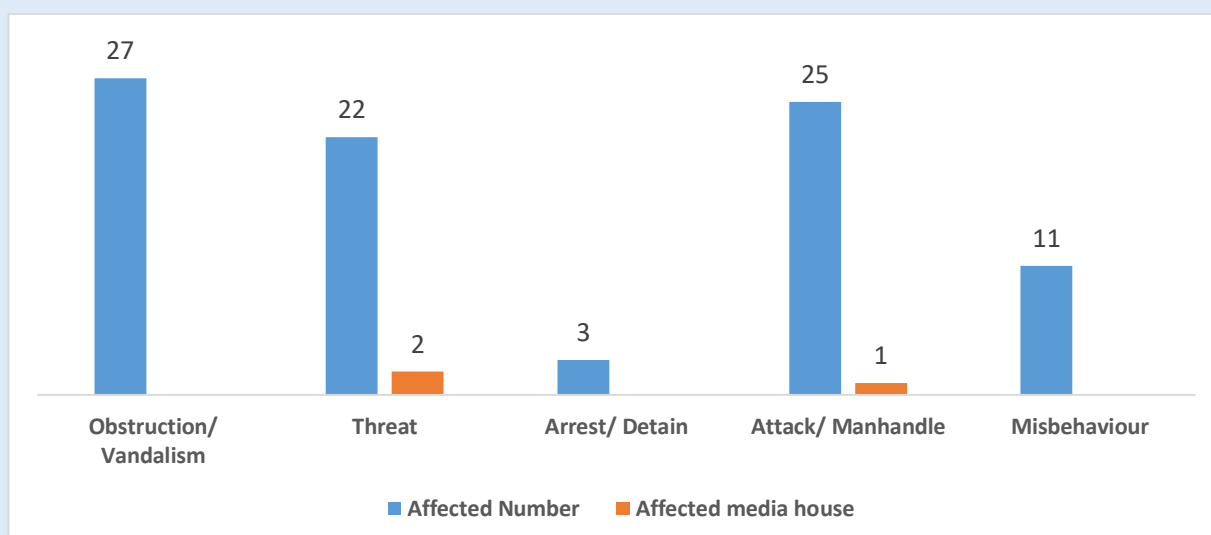
Challenges Persist on Nepal's Press Freedom

'Year of inaction' on law and policy for free press

Increase in incidents of press freedom violation; inaction on law and policy reform; thriving digital media, thereby shadowing news and press freedom issues and resulting to discredit to professional media; populist politics on rise with impact on journalism; indifference to impunity relating to crimes against journalists; continuous erosion of financial status of media and job hopping among journalists featured significantly this past year from May 1, 2023 to April 30, 2024 in Nepal.

Freedom Forum recorded 60 press freedom violation incidents from May 1, 2023 to April 30, 2024. In 60 violation incidents, a total of 88 media persons- 77 male and 11 female journalists- including 3 media houses were directly affected. This past year witnessed rise on violations, as the previous year from May 2022 to April 2023, had only 40 incidents of violations which had affected 79 media persons including eight female and four media houses.

Violation Types



This year, FF categorized violation incidents into five types: 7 incidents of obstruction, 22 threats/death threats, 2 arrest/detains, 21 attack/ manhandles and 8 misbehaviors.

Out of total 88 media persons affected this year, 27 faced obstructions; 22 received threat and death threats combined; 3 faced arrest and detention; 25 attacked, and 11 misbehaved. Similarly, three media houses were attacked, and one vandalized. Two media houses were threatened and one was attacked for the published news.

Journalists Sunita Gautam and Tekman Shakya at www.nepalsetimes.com were taken under control for at least three hours in a police station for reporting on demonstration at Department of Foreign Employment¹.

Reporter Shanti Gharti Magar was attacked while reporting a protest in Kathmandu. She also shared a video clip of the incident where she repeatedly asked the police officers to see her press identity card but in vain. She was held briefly and was injured as well.²

According to FF's monitoring data, seven journalists received threatening messages through social media (majority from Facebook) and two journalists were victims of abusive and misleading posts on others' social media accounts.

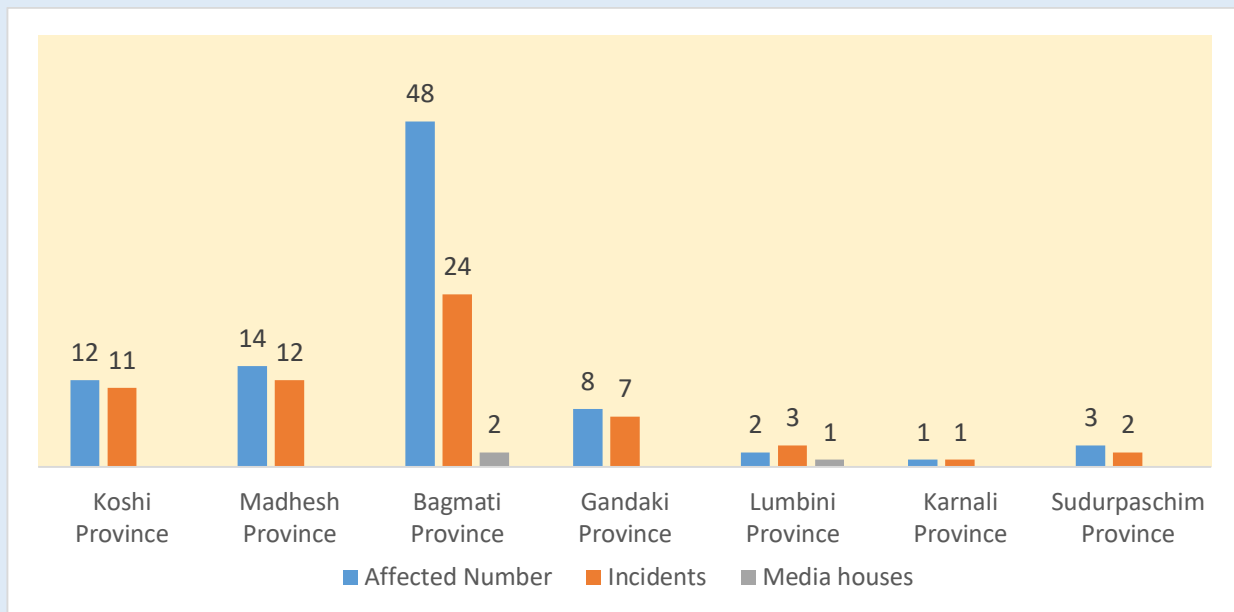
Journalist Ram Krishna Poudel from www.bikashnews.com received death threat through phone calls and messages on social media for news about entrepreneur Durga Prasai published on the news portal. Prasai called on Poudel's mobile and ordered him to delete the news. Poudel shared that he also received at least 50 threatening messages on WhatsApp and was fearing the attempt to hack his social media accounts.³

¹ <https://nepalpressfreedom.org/main/issue-single/1433>

² <https://nepalpressfreedom.org/main/issue-single/1396>

³ <https://nepalpressfreedom.org/main/issue-single/1391>

Violations in Provinces

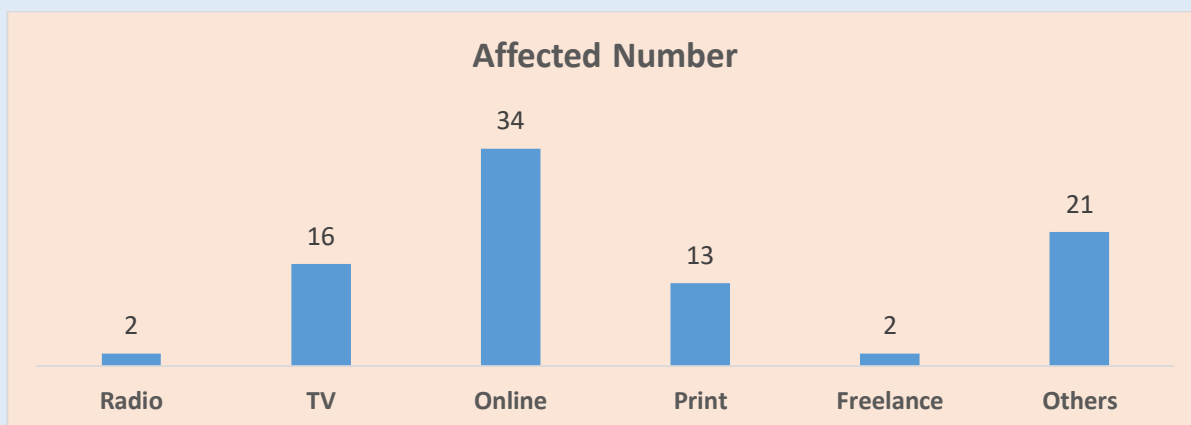


This year too, Bagmati Province saw the highest number of press freedom violation (24) with majority in federal capital, Kathmandu. In these incidents, 48 media persons including 7 female and 2 media houses were affected.

Following this, 12 incidents took place in Madhesh Province affecting 14 media persons. Similarly, 11 incidents were recorded from Koshi Province affecting 12 media persons including 2 females. In 7 incidents occurred in Gandaki Province, 8 journalists were affected; while 3 incidents in Lumbini Province affected 2 journalists and 1 media house, 1 incident in Karnali Province affected 1 journalist, and 2 incidents in Sudurpaschim Province affected 2 females and 1 male journalist.

Affected journalists and their affiliation

Among total affected journalists, majority were affiliated to online media (34) followed by TV (16), print (13) and two were freelancers.



Remaining 21 media persons were mentioned under 'others' category which include news agency, online television, YouTube channels and incidents where group of journalists from different types of media are affected.

Elements hostile to journalists

In majority of the incidents, journalists (35) were affected by security persons followed by political cadres (14), government employee (13) and criminal / goons (7). Moreover, 19 media persons were affected by elements such as businesspersons, locals, contractors, etc.

Observation and Analyses

Law and Policy: A year of Inaction: -

- The bill session of the federal parliament- House of Representatives (HoR), was expected to bring the laws awaited for long for media reform in Nepal. However, the dispute among the political parties caused prorogation of HoR. It thwarted the parliamentary proceeding and deliberation on the important bills relating to mass communications, media and press freedom like IT Bill. This year can be termed a 'year of inaction' in law and policy making on free press in Nepal.
- The Ministry of Communications and Information Technology (MoCIT) was preparing draft of Mass Communications Bill, to

which FF provided inputs for changes to ensure press freedom. Also, the ministry was provided inputs to the draft bill on Information Technology and Cybersecurity. As per its initial observation, the bill though relatively progressive was not unclear on how it could promote and protect human rights, especially freedom of expression, privacy and citizen's data online and cyber space.⁴

On Impunity: -

- Few cases of impunity relating to crimes against journalists from the conflict period are still pending and the journalists' families are desperately waiting for justice, while prosecution is yet to start in few cases. Ten cases of slain journalists are pending at Truth and Reconciliation Commission while, six cases are awaiting investigation, prosecution and adjudication⁵.

Others: -

- The media content regulatory body, Press Council Nepal, has been asking the Nepal Police to investigate and take action against YouTube channels for 'publishing rumor, and exaggerated and obscene contents'. Similarly, the Council wrote to Nepal Telecommunications Authority to block a dozens of portals for allegedly violating journalists' code of conduct and 'publishing contents inciting violence'.
- Press Council Nepal has been urged repeatedly to maintain transparency in its monitoring of news content and actions it takes against online news portal and YouTube media. At a time when the YouTube journalism is emerging of late in Nepal as well, the public agency is often in doubt of taking a broader

⁴ <https://freedomforum.org.np/make-cyberspace-foe-friendly/>

⁵ <https://freedomforum.org.np/download/annual-media-report-2023/?wpdmdl=5523&refresh=662a11f595f291714033141>

approach to deal with digital sphere so that press freedom and journalists rights are protected.

- The journalists who write news stories about the irregularities and corruption at public offices are always in threat. They are attacked and issued threat/death.

Reporter at www.makalukhabar.com Shibendra Rohita was brutally attacked by Chief administrative officer of Dhanauji rural municipality, Dhanusha and his relatives for publishing news about corruption at the municipality on the web portal. He was severely injured on head and chest. He got recovery after treatment for ten days in Kathmandu⁶.

- It is a positive development that under the leadership of the National Human Rights Commission (NHRC) a journalist safety mechanism has come into operation as a result of long initiation of multiple stakeholders including civil society. It is expected to contribute to journalists' safety across the country in addition to protection of freedom of expression.
- Although modern technology- AI- has been leveraged by Nepali journalists to ease their works- translation, editing, and enriching contents- these are no cases reported so far from journalists as AI breaching their rights.
- Many journalists receiving intimidation for their work in digital media, it clearly indicates gradual shift from traditional media to digital media. Total 34 journalists affiliated to 30 online media got threats. Nine journalists got threat via social media.
- For lack of new laws and policies, the old law as Electronic Transaction Act (ETA) has been inflicting journalists.

⁶ <https://nepalpressfreedom.org/main/issue-single/1390>

Journalists Pushkar Bhatta and Aishwarya Kunwar were kept in detention for four days under cybercrime charge citing Electronic Transaction Act as per order from the District Court, Kanchanpur. They were arrested for reporting on mismanagement in a security office, Kanchanpur. Later, they were released from detention with agreement among fellow journalists.

- As in the past, the political parties and their leaders continued verbal commitment that they protect press freedom. But, they are unable to teach cadres at local levels on how they should cooperate with journalists for promotion and protection of free press and ensure safety to journalists.

Media's Financial Status on Erosion

- Entire media industry hit hard by the COVID-19 impact, is yet to revive in Nepal. The impacts are lingering in media, which would further cost financial sustainability of media houses, of journalists. FF's initial study had shown that as high as 100 media outlets from seven provinces had stopped their operation and approximately 243 media persons quit their jobs in 2023. Acute financial crisis is taking a toll on private and community media.
- Owing to dwindling financial health of media houses, journalist have no option but to quit the jobs and move for next field. It has resulted in dearth of investigative reporting, acute under-reporting and un-reporting of the issues that warrants attention.
- Meagre investment on training and capacity development of journalists, and for public interest journalism and investigative stories is worrying concern.

- With sharp rise of people's digital/online presence, information pollution has been an equally upsetting issue. It is drowning media landscape, thereby spurring discredit to media and journalists and encouraging attack on reporters.
- Business model of online news media is still uncertain. Despite rising number of such media, their sustainability is yet to be secure. There are over 4,000 online news media in Nepal.

Projection and Discussion

- Media, IT and digital/cyber related laws and policies need to ensure press freedom. Progressive approach is must for it.
- In the wake of spurt of digital media and YouTube journalism, atmosphere conducive for alternative media is essential so that journalists affiliated there can be protected.
- Nepali press and media persons are likely to bear the brunt of populist politics. So, their better digital/IT awareness, skills and informed approach of news is required to protect their rights and save free press.
- There is growing urgency of thorough research, study and recognition to digital press so that multiple problems as fake news, and mis/disinformation can be tackled in collaboration, rather than dealing with these threats in silos. The siloed approaches is likely to end up in blame game, not informed decisions.
- Need of robust fact check desk/mechanism at media houses, and media content regulatory bodies is another need to this regard.

- The long awaited justice process should be accelerated so as to end prolonged impunity and ensure justice to the awaiting victim journalists' families.
- Although no immediate threat of artificial intelligence (AI) was reported by Nepali journalists in relation to press freedom, the capacity building of journalists on par with latest technological development including AI is imperative. Enhancement of journalists' skills and knowledge and modern IT and AI would not only facilitate them in work but also ensure safety against digital risks, and protect press freedom as well.

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