



## 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

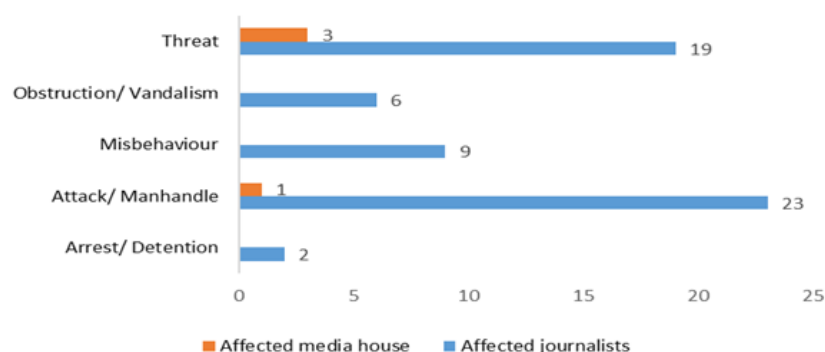
Freedom Forum recorded total 52 incidents of press freedom violations in the past one year, from January 1, 2023 to December 31, 2023. In these anti-press incidents, 59 media persons were directly affected, among which 8% are female and 92% are male. Compared to the previous year, the press freedom violation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

Figure 1: Violation categories and affected journalists/media houses



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.

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## Message from Executive Chief

### 2024: A watershed moment for Nepali media

**T**he Nepali media witnessed most difficult time in the past one year, 2023, especially for its financial sustainability. The plummet in advertisement market, shift of advertisements to digital platform and Apps, indifference of government and parliament to law and policy reforms, huge retrenchment at media houses, continuous intimidation to journalists, muddled management of social media/networks, and spread of mis- and disinformation polluting information ecosystem featured significantly, according to Freedom Forum annual media report.



The report underscored the need for lifting Nepali media out of crisis with favorable legal/policy environment and financial support so that press freedoms would be survived, protected and promoted. However, as compared to the previous year, FF recorded slight decrease in incidents of press freedom violations- total 52 incidents which directly affected 59 media persons. Among which them, 8% are female and 92% male. In the previous year (2022), the number of press freedom violation stood 45. Intimidation via cyberspace surged last year. The report has furnished significant recommendation to restore Nepali media and free press. Nepali media houses must respect labor rights and professional sustainability of the working journalists. It has stated as a worrying trend to have closure of media houses and journalists quitting profession. Boosting advertisement industry for mainstream media is essential, it underlines.

In this background, we are welcoming new year, 2024. As the financial crisis was to 2023, law and policy watershed is to 2024. Although the last year went without any law from the parliament, this year is due to see significant bills related to media and mass communications. Many laws are old enough to regulate media. Some are pending for long. On the other hand, the disruptive impact of digital technology is equally worth mulling which warrant new laws to effectively negotiate the new setting. It is an important moment in deed to keep close watch whether the laws to be brought this year would be favorable to entire media landscape which guarantees freedom of expression and created atmosphere for safe cyberspace for exercise of digital freedoms unobstructed. Currently, Nepal has the winter session, also called the bill session. A slew of bills related to media and mass communications are being drafted. The Ministry of Communications and Information Technology is learnt to have forwarded drafts of various bills including concept paper on artificial intelligence (AI).

It is therefore a critical juncture to work for law and policy reform which would impact coming decades. Effective advocacy and debates are imperative to engage with stakeholders including lawmakers and policymakers so that the bills would incorporate the provisions that adhere to national legislation, international human rights instruments and best practices. Once timely and meaningful engagement are ensured, it would help better shape future of media landscape and democracy. However, the trends so far are discouraging and problematic, for they fail to adequately address the FoE. Whether it is with hasty generalization of digital threats or insufficient knowledge on the new dimension of mass communication dominated by digital technology, the lawmakers and policy makers seem antagonistic to FoE on cyberspace, thereby criminalizing media. Media laws must not be criminal but civil laws.

The line ministry released drafts of the National Mass Communication Bill and Media Council Bill on December 21 seeking inputs from the public. They have courted controversy. Similarly, Media Council Bill, National Mass Communications Bill, Information Technology Bill, and Social Media Regulation and Management Bill on November 30 are other important areas in need of serious discussion with multi-stakeholders. The Council of Ministers introduced Directive on Operation of Social Networking Sites-2023 in November which also drew flak for its provision of regulating social media, thereby intending to suppress FoE. Similarly, National Cyber Security Policy 2080 BS was also endorsed in August, 2023 which could not fully incorporate recommendations from the concerned stakeholders. As this year, 2024, is poised to sort out these bills, an informed and inclusive debate is essential. As always, Freedom Forum is devoted to continue its advocacy and study for media reform that would help shape future of FoE-friendly Nepali media and foster democratic spheres.

At province levels as well, the bills on media regulation are under discussion. The Koshi province government has registered the Mass Communication Bill in the province assembly, while the Mass Communications Management Bill is under discussion at the Gandaki provincial assembly's legislative committee. If freedom of expression and press freedom elude these laws and policies at federal and provincial levels, the foundation of democracy would be weakened. So, it is a decisive time to act for robust democracy with protection and promotion of freedom of expression. 🌱

- Tara Nath Dahal

### Nepal govt all set to formulate media-related bills

**N**epal government has principally agreed to formulate three media-related bills. The meeting of the Council of Ministers took a decision to this regard on November 30. These are: a) Nepal Media Council Bill; b) National Mass Communication Bill; and c) Social Media Regulation and Management Bill.

Among these, Media Council Bill is drafted for promotion and regulation of media contents. It also aims to replace the existing media content regulatory body, Press Council Nepal. The Media Council Bill tabled at the parliament on May 8, 2019 was retracted by the government after failing to finalize it. However, the Council of Ministers has again approved to present the bill in the parliament.

Second, the National Mass Communication Bill aims to replace old acts related to media and journalism. This bill was envisioned few years ago to regulate online media, print media, radio and television under an umbrella act, to manage other promotional activities in journalism sector and to support regulation of media rights at province and local levels under current federal structure. Although the Cabinet had given formal approval to table the bill twice before seven years, the government failed to proceed with it. Lately, the government again decided to present the bill in the parliament.

Moreover, the government started preparations to draft new act to regulate social media platforms few months ago after releasing the Social Media Directive. The Directive, which was not based on any Act/ law received huge criticism from free speech advocates. Hence, the formulation of this act in this context and the provisions it may cover remains questionable.

Meanwhile, the education, health and information technology committee of the Lower House is preparing to finalize the Public Service Broadcasting Bill soon. The bill is under consideration in the parliament for five years. It was brought with an aim to unify state-owned media Radio Nepal and Nepal Television into a public service broadcaster. But the bill faced serious criticisms for having more government-controlled provisions rather than establishment of free, independent and capable public service broadcasting entity.

If the committee of Lower House concludes discussions over this bill in time, the upcoming winter session of the House will possibly finalize it as an Act.

Freedom Forum is watchful on unfolding developments on these different laws and policies related to media and journalism which are being drafted and under consideration at the parliament. FF is also actively lobbying with the concerned government bodies for drafting laws in favor of free, fair and independent media. In order for a democracy to thrive, press freedom and independent media must not be compromised, FF underscores. 🌱

# Freedom of Expression Violations

## Koshi Province

### Threat

Editor-In-Chief at Purwasandesh daily Ganja Bahadur Dahal and his reporter Ghanshyam Bhandari received threat of attack for reporting news on October 1. The daily is published from Jhapa, Koshi Province. Journalists duo received threat from a chairperson of a cooperation organization Sankalpa Lingden for publishing critical news about the cooperative organization. News with title- 'Cash of depositors missing' was published on September 30 based on the information shared by one of the victims of the cooperative.

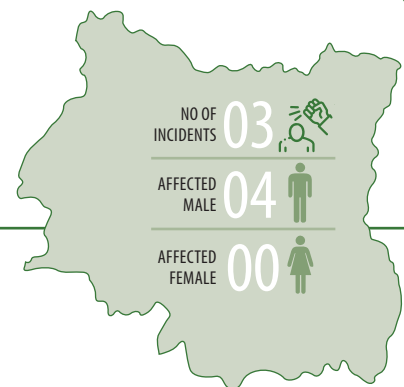
Editor Dahal shared with Freedom Forum that reporter Bhandari wrote the news on the basis of information shared by a victim to the reporters. "Following news publication, Lingden called on my mobile and asked why I published the news. He also asked me to meet him to sort out the matter", Dahal said. "I met Lingden on October 3 after his continuous threatening calls. In meeting he said either I call reporter Bhandari to apologize for reporting news or I will be kidnapped. I denied to call Bhandari. However, he did not do any harm to me", added Dahal. It was learnt that Lingden had also sent messages warning other journalists that Dahal and Bhandari would be kidnapped if they did not apologize. Again on

October 5, Lingden sent a copy of a complaint lodged at area police office requesting to take action against journalists.

### Obstruction

Sunsari based reporter to the Nepal Television, Santosh Yadav, was barred from reporting at Itahari Sub-Metropolitan office on November 10. Reporter Yadav informed that he reached the office to report on the scheduled executive meeting as informed by the ward chairpersons and members. The meeting was scheduled to make important decisions on tax provisions in the municipality.

"As I reached there, I saw fellow journalists from other media already seated in the meeting hall. Meanwhile, sub-metropolitan Mayor Hem Karna Poudel went out of the hall and called me. He said that I was not allowed to sit in the meeting and they will broadcast live during the meeting", said reporter Yadav. Reporter Yadav added, "On my question about the presence of journalists from other media, Mayor Poudel said that the metropolitan office had agreement with those for reporting so they were allowed to sit in the meeting." According to Yadav, this move of the Mayor was intentional to obstruct him from reporting as he had been reporting on the irregularities and malpractices in the sub-metropolitan city.



Journalist Prem Dewan from Biratnagar receiving treatment after the attack

### Attack

News coordinator at [www.ourbiratnagar.net](http://www.ourbiratnagar.net), Prem Dewan, was attacked while reporting in Biratnagar on December 7. Freedom Forum talked to Dewan about the incident. He shared that he was called by one of the protestors to report on their ongoing protest in Biratnagar Municipality. Locals and the fire victims were protesting in the municipality premise against lax arrangement of municipality in controlling fire outbreak. However, as journalist Dewan reached the site, protestors themselves attacked him. Dewan received minor injuries in his left hand.

Dewan informed FF that he registered a First Information Report at the District Police Office, Morang on December 8 against the attackers Ramesh Ray and Abhimanyu Yadav. Following the report, police arrested Ramesh Ray on December 8. 🌱

## RTI activist manhandled while requesting information

**R**ight to Information activist Ishwari Prasad Dhakal was manhandled while registering an RTI application in Bhojpur on October 5.

According to activist Dhakal, he reached Bhojpur Multiple Campus, Bhojpur to register his RTI application as per rule during office hour. Meanwhile, assistant campus chief and information officer Rinju Sherpa snatched the application from Dhakal's hand and denied registration.

"I again requested Sherpa to register my application but he took me into Campus Chief's room and spoke abusive words and threatened me. He also harassed me taking my photos and videos and chased me out of the office without registering my application", shared Dhakal, "He has also shared a post on his social media page with false accusations against me."

Activist Dhakal lodged an application at District Administration Office seeking an appropriate action on the case and safety of

himself on October 6. On his request, Chief District Officer had asked his information officer to facilitate safety of the activist in coordination with District Police Office and National Information Commission.

Dahal further informed FF that he had sent his RTI application to the campus again through post office and is waiting for their response. He requested information regarding double facilities provided to the part-time faculties of the campus, income and expenditure of the campus in this fiscal year, admission quote for different departments, etc. 🌱

# Madhesh Province

## ATTACK

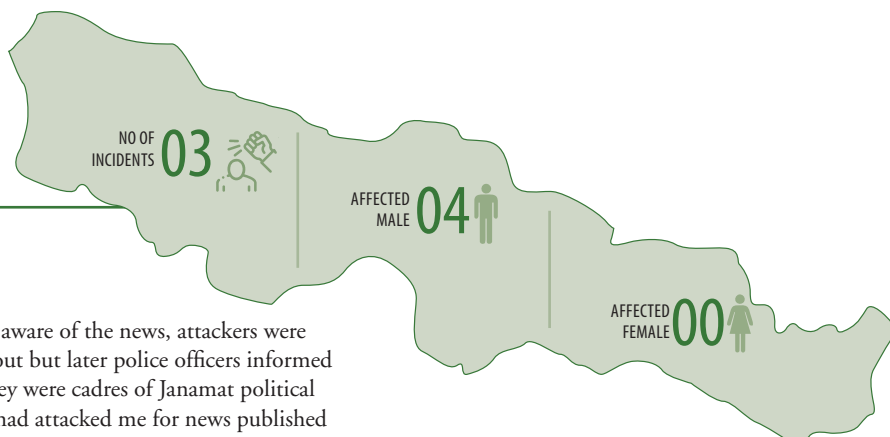
A. Journalist with Radio Nepal, Sanjeeb Bikram Sah, was attacked while reporting in Saptari on October 18.

Reporter Sah shared with Freedom Forum that he was attacked while reporting on locals demonstrating at Dakneshwori Municipality, Saptari. As reporter Sah entered the municipality, two political cadres approached him shouting- why he wrote news against them and attacked him on chest. Sah was rescued by the police officers on duty.

"I was not aware of the news, attackers were talking about but later police officers informed me that they were cadres of Janamat political party and had attacked me for news published two months ago", said Sah, "I also received many calls from the party's leaders and spokesperson defending their cadres after the incident."

Reporter Sah lodged a complaint at the District Police Office, Saptari.

"Police arrested the cadres and released them the next day following pressure from the political party leaders", informed reporter Sah. The attackers and reporter also discussed one another and the attackers ensured that the incident will not be repeated in future in November 19.



# Bagmati Province

## Misbehavior

Reporter to the Himalaya Television, Samir Joshi, and camera person Jivan Subedi were abused verbally while reporting in Dhading on October 4. According to reporter Joshi, himself and cameraperson Subedi went to District Administration Office, Dhading to report on a complaint that they found a thing laced inside a sealed jar of water. The jar was manufactured in Dhading. "As I asked Assistant Chief District Officer about the issue he started shouting at me with abusive words. I requested him to answer my question instead of shouting at me but he did not stop", shared Joshi.

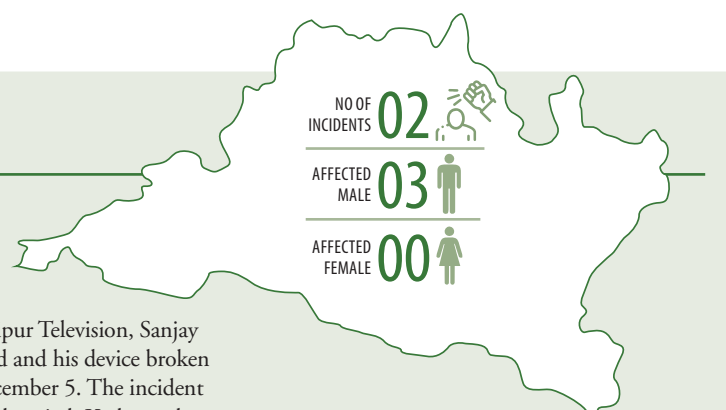
## Attack

Cameraperson at Kantipur Television, Sanjay Luitel, was manhandled and his device broken while reporting on December 5. The incident took place in the federal capital, Kathmandu.

According to Cameraperson Luitel, he was reporting on a case of fake Bhutanese refugees scam at Kathmandu District Court. He was recording video of one of the convicts, Sandeep Rayamajhi, who was being taken to police vehicle after court hearing. At the same time,

Rayamajhi hit Luitel and his camera while entering into the police van. Luitel was hit on face, which resulted into swollen cheeks. Camera boom was also broken.

It shows journalists on investigative reporting are targeted more.



# Gandaki Province

## Threat

Editor at <https://donnews.com/>, Rajendra Adhikari, received threat for publishing news on November 18. The news portal is being operated from Kaski, Gandaki Province.

Talking to Freedom Forum, editor Adhikari shared with Freedom Forum that news about irregularities in a local cooperative and involvement of local representative was published on the news portal. Adhikari called chairperson Subedi on his mobile to gather more information on the news. Subedi and his wife verbally abused and threatened editor Adhikari of suing and framing editor in fake rape case in the call. Subedi also issued death threat to the editor.

Editor Adhikari further informed FF that he was discussing with fellow journalists on further action upon the case.

## Death Threat

District correspondent at [www.onlinekhabar.com](http://www.onlinekhabar.com), Sabin Lamichhane, received death threat for reporting news in Tanahu on November 7. Reporter Lamichhane shared with Freedom Forum that he had covered news about vehicles carrying passengers beyond their capacity during Dashain festival. Following publication of news, traffic police took action against the vehicle with a fine amount Rs. 2,000. "Thereafter, the driver of the vehicle searched for me and reached my home. He was drunk

and threatened my parents at home, saying he will hit me with his van", said Lamichhane. Lamichhane further informed that police took the driver under control where he apologized to the reporter and then, he was released.





## Lumbini Province

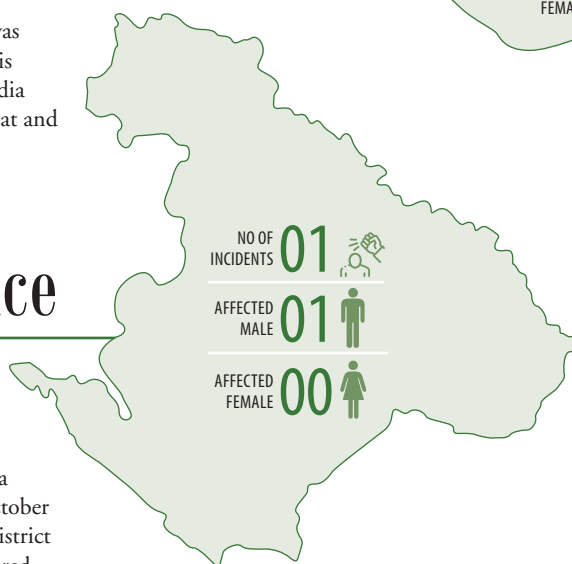
No incident of press freedom violation was recorded this quarter in this province. It is welcome in deed that journalists and media houses did not face any obstruction, threat and intimidation. 🌱



## Karnali Province

### Editor threatened over news on irregularities

Chairperson and editor of <https://smartkarnalnews.com/> Lankraj Dhamala received threat for reporting news on October 20. The incident took place in Kalikot district of Karnali Province. Editor Dhamala shared with Freedom Forum that he had reported on the province's Raskot municipality's ineffective service delivery and mismanagement of the municipality's property. He published the field reporting video on October 9, 2023. After 11 days, an abusive post was found on social media page of municipality chief's secretariat, which targeted Dhamala. Following this, Mayor's relatives also threatened Dhamala through different phone numbers.



"If the threats continue, I will proceed with filing complaint at concerned authority", said Dhamala. 🌱

## Sudurpaschim Province

No incident of press freedom violation was recorded this quarter in this province. It is welcome in deed that journalists and media houses did not face any obstruction, threat and intimidation. 🌱



## FF observes End Impunity Day 2023

Freedom Forum marked the International Day to End Impunity for Crimes against Journalists on November 1 and 2 through social media campaigns. FF's executive chief and media monitoring officer jointly published an article entitled- Ensure justice to journalists on The Kathmandu Post on November 1. According to the article, November 2 is marked every year to commemorate journalists who have been murdered, forcefully disappeared and faced violence for reporting news. The article also noted that this year's commemoration took place in the wake of Israel's devastating war in Gaza with major casualties on journalists and civilians. The article also quoted Committee to Protect Journalist's report documenting death of at least 31 journalists till October 31, 2023. The article also stated that in Nepal too, growing culture of impunity has fueled a growing threat to working journalists and self-censorship among them, deepening impunity for crimes against journalists.

In addition to this, FF made several posts on its official Facebook and twitter pages about the day. FF also shared its documentary showcasing stories of journalists killed and forcefully disappeared since 1996 which is still relevant as some cases are awaiting investigation and prosecution. Similarly, FF also shared data of press freedom violations documented in its dedicated website: [www.nepalpressfreedom.org](http://www.nepalpressfreedom.org). The website records detailed incidents of press freedom and freedom of expression violations along with data visualizations.

These campaigns were expected to prod national and international stakeholders and government authorities to expedite justice process on the impunity cases in line with national and international human rights standard and prioritizing victims' needs. 🌱

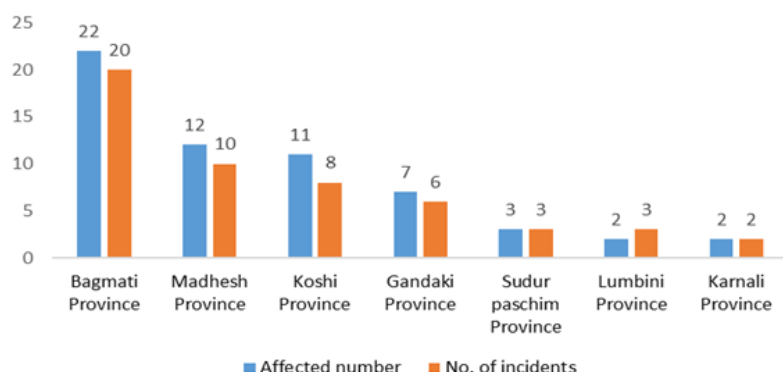
*May the New Year 2024 inspire everyone to create atmosphere for unobstructed exercise of human rights including freedom of expression and information to pave way to better democracy.*

# Happy New Year 2024

Freedom Forum

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**Figure 2: Press Freedom Violation in Seven Provinces**



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 Timalsina 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.<sup>1</sup>

**B.** Chairperson of online media [www.nitinews.com](http://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.<sup>2</sup>

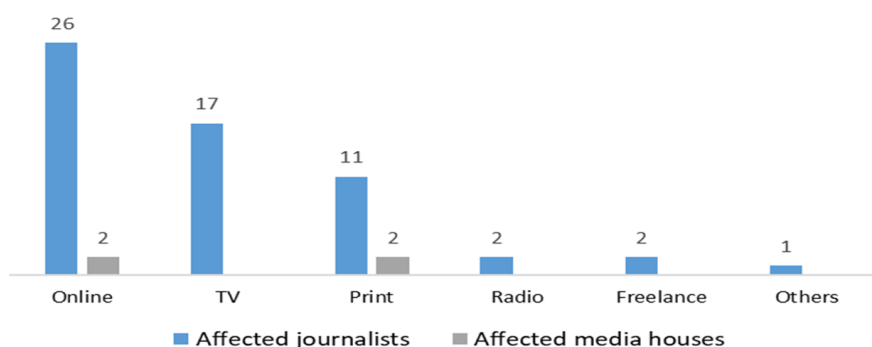
**C.** Photojournalist and activist RK Adipta Giri was issued an arrest warrant for his critical post on social media on August 8. The arrest warrant was issued by District Police Office, Parbat, Gandaki Province. Journalist Giri has been conducting a campaign named 'Save Kaligandaki river' for more 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.<sup>3</sup>

#### 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.<sup>4</sup>

**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.<sup>5</sup>

**Figure 3: Affected media houses, Journalists and their affiliation**



#### 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.

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

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

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

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

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

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, some are still pending and the journalists' families are desperately waiting for justice, while prosecution is yet to start in few cases.<sup>6</sup>

Since conflict period to date, FF had 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

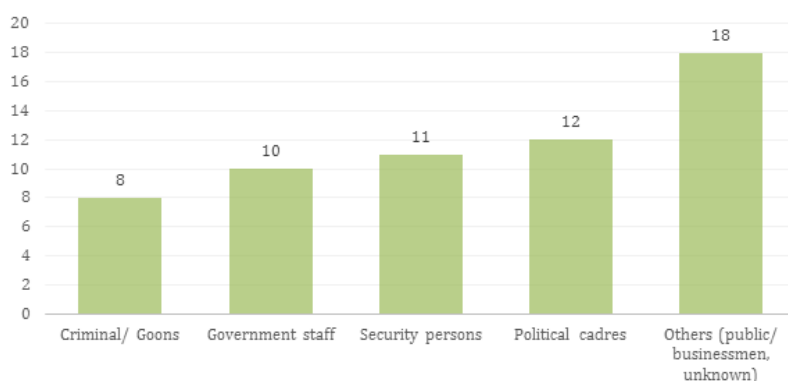
Cases of slain journalists- Jagat Prasad Joshi, Jamim Shah, Rohan Chaudhary, Ganesh Chaudhary, Khagendra Shrestha and Devi Prasad Dhital are yet to be investigated and prosecuted by the concerned authorities and adjudicated through an independent judiciary.

## 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.<sup>7</sup> The Media Council Bill which was tabled at the parliament on May 8, 2019 was later retracted.

**Figure 4: Number of journalists/ media houses affected by**



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.

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

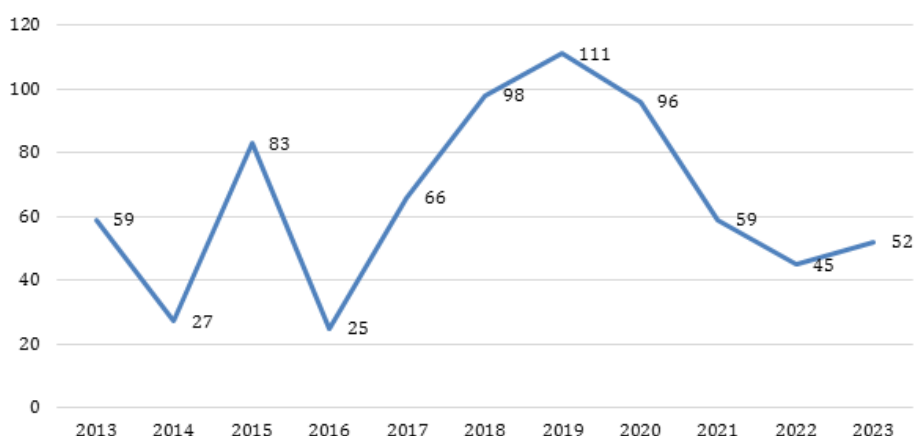
In 2023, no laws and policies related to media were drafted and/or discussed in Madhesh, Karnali and Sudurpaschim Provinces.

- 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

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

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

**Figure 5: Number of Incidents**



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 career.<sup>8</sup>*

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 harmony.<sup>9</sup> 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.

### 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'.<sup>10</sup> 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 comedy.<sup>11</sup> 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 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

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

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

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

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



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."*<sup>12</sup>

- 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.
- 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.*<sup>13</sup>

## 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.

### 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. 🌱

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

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

# Diktat on online media continues

Time and again, Press Council Nepal has written to the online media to furnish clarification over the news content. The Council, however, has not disclosed noticeable evidence of violence or incitement through media content it has alleged of. Lately, it issued a press statement ordering 17 online media to furnish clarification over their contents within 24 hours on November 22. The Council also mentioned on its statement that it had written to the registered online media to furnish clarification over the news they published. For those media not listed at the Council, it has ordered to remove their contents.

According to the statement, Press Council's action is based on its media monitoring where the mentioned media allegedly violated code of conduct, published contents inciting violence and disturbing social harmony. The listed media were asked to send clarification within 24 hours of the



issuance of notice. Similarly, the media content regulatory bodies states that other media unlisted at the Council have also circulated their contents using social media pages which have fueled violence, hate speech and are against code of conduct. So, these media are asked to remove their contents. Freedom Forum showed concern over the Council's move to ask media to remove their contents. Press Council Nepal

has been misused repeatedly that intends to suppress media and free expression. Hasty allegation on media is sheer discredit. Without sufficient research and evidence on media content, Council's allegation has adverse role in fostering press freedom, argues FF Chief Executive Taranath Dahal.

# TikTok banned, public places prohibited

Nepal government turned hostile to freedom of expression in recent time. The government's action in the name of maintaining social harmony has been aimed at imposing restriction on civic freedoms and constitution guaranteed fundamental rights.

On November 13, 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 harmony. The decision was made few days after it introduced Directives on Operation of Social Networking Sites-2023 which also drew flak due to its provision of regulating social media, thereby intending to suppress FoE.

Similarly, the day after Cabinet publicized its decision internet service providers blocked TikTok in Nepal following the order of Nepal Telecommunications Authority. Challenging this move of the government, free speech advocates and the TikTok users filed a writ petition at the Supreme Court, demanding retraction of the ban.

In response, the court issued 'show cause' order to the government, asking to furnish reasons to ban TikTok within 10 days of the order.

Again, it was followed by the ban on prominent public space in Kathmandu Valley- Maitighar Mandal. The District Administration office, Kathmandu and Lalitpur declared prohibited areas in Kathmandu and Lalitpur districts on November 20 and 21 respectively.

According to the notice undersigned by Kathmandu's Chief District Officer Jitendra Basnet, road section from Maitighar to New Baneshwor will be prohibited area for any kind of public gatherings from November 20 to December 30 (27 days). Again, on December 20, Kathmandu administration office further extended prohibitory order in different places of Kathmandu for two more months till February 16. The notice further reads: Conflict and disputes may arise when more than five people of different groups gather at a same place on same date which will badly affect peace and security of the place. Hence, as per section 6 of Local Administra-

tion Act, 2072 this order has been issued to maintain peace and safety of the public properties and to avoid any untoward incidents. The notice was issued following an opposition party wing's leader and a businessman's call to conduct different protest programs in the city on November 23.

Similarly, letter signed by Chief District officer Lalitpur Rudra Prasad Pandit states that road section in the periphery of minister's quarters is declared as prohibited area for any kind of gathering, demonstration, protest, meeting, etc effective from November 21 to coming six months.

FF believes: Initially, the government's ban on popular social media platform, TikTok, in Nepal and then, the prohibitory orders in the Kathmandu Valley seem intended to suppress FoE and citizen's freedoms. Non-transparent measure of Tiktok regulation and prohibitory order on public spaces have direct impact on citizen's rights of free speech and freedom of assembly and association, which are against constitution and democratic norms.



# NHRC, FoE stakeholders vow to make journalists' safety mechanism functional

**T**he stakeholders relating to freedom of expression (FoE) and journalists' safety and rights and the National Human Rights Commission (NHRC) have pledged to make functional the safety mechanism, which was set up at NHRC.

They decided to make necessary amendments on the existing Directive on protection of FoE so that the Directive would come into effect and journalists' safety made a multi-stakeholders' issue. The multi-stakeholders compose a Direction Committee incorporating the representatives from Prime Minister's Office, Nepal Police, Nepal Bar Association, Federation of Nepali Journalists, NGO Federation, and CSOs working on FoE and journalists' rights.

For it to realize, a discussion meeting among members of Direction Committee and of taskforce under safety mechanism for protection of FoE was conducted on October 12 and 13 at Nagarkot, Bagmati Province. The direction committee and taskforce are the mechanisms under NHRC's 'Directive on formation and work procedure for safety mechanism on protection of FoE, 2019.' The direction committee is headed by NHRC having multi-stakeholder representatives ranging from government to CSOs.

Those mechanisms were set up in 2013 following the demand and recommendation from national and international organizations working for FoE and journalists' safety. The Directive was then formed to guide these mechanisms in 2019. The participants in the meeting reviewed the implementation status of these mechanisms and discussed the way forward along with contemporary amendments both in substance and procedure. They were for establishing and bringing to



practice the safety mechanisms from province to district levels. Formation of task-force, capacity building of the task-force and securing resources for these activities were other key decisions.

During the meeting, invitee expert on FoE, Mr Taranath Dahal reminded the background of the launch of Directive and need of getting it anchored by the NHRC for the protection of FoE and ensuring journalists' safety. He observed, "The multi-stakeholder participation in the meeting and substantive discussion on Directive provisions would ensure further acceptability of the Directive, thereby making it more functional. With this, it paves way for protection of FoE and journalists' rights under NHRC umbrella."

According to him, making more functional the safety mechanism at NHRC will be an institutional initiative to protect and promote FoE and ensure journalists' safety in a collaborative manner. On the occasion, Joint Secretary at NHRC, Mr Yagya Adhikari, made presentation on the practices of such safety mechanism in different countries like Philippines and

Columbia. He also shared limitation of safety mechanism at NHRC. Mr Adhikari admitted the need of amendments in the Directive in the changed contexts and sought suggestion for it.

Similarly, Member of the NHRC Mr Manoj Duwadi welcomed the suggestions from the participants for changes in the Directive as per changed context- as in the wake of digital sphere. "NHRC is committed to journalists' rights and ready to work in unison with CSOs and rights defenders for it."

FNJ President Bipul Pokhrel expressed happiness over the institutional efforts under NHRC umbrella for FoE protection and journalists' safety. All sides' involvement and attention for journalists' rights would help promote press freedom, he argued. FoE expert and consultant Mr Binod Bhattarai stressed the need for sustainability of the institutional initiative under the NHRC, for which related sectors could think of resources and make plan on time.

The meeting presided by NHRC Member Hon. Manoj Duwadi had the participation of Bipul Pokharel (President, Federation of Nepali Journalists), Sancha Kumari Tamang (Member, FNJ), Bhawana Bhatta (Vice-President, NGO Federation of Nepal), Surendra Prasad Mainali (Deputy Inspector General of Police), Madan Prasad Shiwakoti (Legal Officer, Office of Prime Minister and Council of Ministers) and Ramita Maharjan (Representative, Nepal Bar Association). Freedom Forum supported and facilitated the two-day meeting held in Nagarkot. 🌿



# TikTok ban violation of freedoms: CSOs

**F**reedom Forum and other civil society representatives expressed deep concern and disappointment over the decision of the Government of Nepal, Council of Ministers on November 13, 2023, to ban popular social networking App TikTok. Total thirty organizations and individuals working for freedom of express and access to information released a joint statement on the day.

## The statement reads-

It is our conclusion that this decision of the Council of Ministers is extremely untimely and arbitrary, and that it seriously attacks the basic principles of democracy, weakens civil liberties, and undermines the rule of law.

The constitutional guarantee of freedom of expression is a cornerstone of any democratic society, reflecting the fundamental right of individuals to freely express their opinions and access information. Social media platforms like TikTok need to be recognized for their role in providing a platform for citizens to voice their opinions, engage in public discourse, foster creativity, promote small and medium enterprises and businesses, and provide entertainment. Such digital platforms have been established as the best means of democratic discourse in recent days.

The problem caused by any contentious content in any social network can be addressed by the laws and regulations made under the constitution and constitutional system and should be handled accordingly. We believe that the decision to ban the platform in this way is unconstitutional and contrary to the mandate obtained from citizens through elections. This decision is in violation of the constitutional guarantee of freedom of expression as mentioned in Article 17 (2)(a) of the Constitution of Nepal and Article 19 of the Universal Declaration of Human Rights, 1948, and Article 19 of the International Covenant on Civil and Political Rights, 1966, to which Nepal is a party.

By banning TikTok in a blanket manner, the government's intention appears to block a platform of communication and expression, limiting the opportunities of Nepalese citizens to engage in online conversations, share their views, and participate in the global digital community. Moreover, such a ban appears to adversely affect the economic opportunities of content creators

and small and medium enterprises, posing a serious risk to their business stability.

We, the following organizations and individuals, urge the government to reconsider this decision and find alternative measures to address legitimate concerns without violating the constitutionally protected right to freedom of expression. If there is any illegal content on the TikTok platform that is contrary to prevailing laws, we call on all concerned to seek remedies under the legal system and to ensure the responsible use of the platform

under international standards while protecting the democratic values enshrined by the constitution.

Recognizing the transformative potential of digital platforms to promote freedom of expression, access to information, social communication, creativity, and cultural exchange, protection of the public interest and respect for individual freedoms are essential. Keeping in mind the constitutional rights and the wide impact of the vibrant digital landscape in Nepal, we urge the Government of Nepal to correct this decision. 🌱

## Organizations and Individuals - Signatories

Babu Ram Aryal	Digital Freedom Coalition	Chairman
Santosh Sigdel	Digital Rights Nepal	Executive Director
Ujjwal Acharya	Center for Media Research – Nepal	Former Chairperson
Dr. Kundan Aryal	Informal Sector Service Center (INSEC)	Chairman
Indra Prasad Aryal	Human Rights Organization Nepal	Chairman
Sanjeeb Ghimire	Freedom Forum Nepal	General Secretary
Sapana Shahi	Internet Governance Institute	Director
Laxman Dutt Pant	Media Action Nepal	Chairman
Pravesh Subedi	Digital Media Foundation	Chairman
Rajan Parajuli	Antenna Foundation Nepal	Chairman
Kamala Adhikari	Forum for Digital Equality	Executive Director
Ashirwad Tripathi	Educating Nepal	Chairman
Anand Gautam	Youth IGF Nepal	Chairman
Narayan Adhikari	Accountability Lab	Chairman
Babita Basnet	Media Advocacy Group	Founding Chairman
Bikram Shrestha	Nepal Internet Foundation	Chairman
Prof. Dr. Suvarna Shakya	Center for Cyber Security Research and Innovation (CSRI)	Chairman
Chiranjeevi Adhikari	Information Security Response Team Nepal (NPSERT)	Chairman
Nirajan Thaplia	Amnesty Nepal	Executive Director
Subha Kayastha	Body and Data	Executive Director
Dr. Bhumiraj Chapagai	Sharecast Initiatives	Co-Founder/Director
Navraj Dhakal	Net for Good Alliance	coordinator
Shyam Kumar Pokharel	Samrakshan Nepal	Director
Anil Raghuvanshi	Child SafeNet	Founding Chairman
Jeevan Bhandari	Online TV Journalists Association	Chairman
Umesh Shrestha	Mysansar.Com	Founder
Bishwajit Tiwari	Information and Human Rights Research Center	Founding Chairman
Rabiraj Baral	Media Kurakani	Founder and Editor
Deepak Adhikari	Nepal Check	Co-Founder
Alok Subedi	MeroAddada	Co-Founder/CEO



# Paris Charter on AI and Journalism

**W**e, as representatives of the media and journalism community, acknowledge the transformative implications of artificial intelligence (AI) for humanity. We champion global cooperation to ensure AI upholds human rights, peace and democracy, and aligns with our shared aspirations and values. The history of news and information is intertwined with technological progress. AI, spanning from basic automation to analytical and creative systems, introduces a new category of technologies with an unparalleled capacity to intersect with human thought, knowledge, and creativity. It represents a considerable shift in information gathering, truth seeking, storytelling, and the dissemination of ideas. As such, it will profoundly alter the technical, economic and social conditions of journalism and editorial practice. AI systems have the potential, depending on their design, governance and application, to revolutionize the global information landscape. However, they also present a structural challenge to the right to information. The right to information consists in the freedom to seek, receive and access reliable information. It is rooted in the international legal framework, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Partnership for Information and Democracy. This right underpins the fundamental freedoms of opinion and expression. The social role of journalism and media outlets—serving as trustworthy intermediaries for society and individuals—is a cornerstone of democracy and enhances the right to information for all. AI systems can greatly assist media outlets in fulfilling this role, but only if they are used transparently, fairly and responsibly in an editorial environment that staunchly upholds journalistic ethics. In affirming these principles, we uphold the right to information, champion independent journalism, and commit to trustworthy news and media outlets in the era of AI.

**1. JOURNALISM ETHICS GUIDE THE WAY MEDIA OUTLETS AND JOURNALISTS USE TECHNOLOGY.** Media outlets and journalists use technologies that enhance their capacity to fulfill their primary mission: ensuring everyone's right to quality, trustworthy information. The pursuit and



achievement of this goal should drive their choices regarding technological tools. The use and development of AI systems in journalism must uphold the core values of journalistic ethics, including truthfulness and accuracy, fairness, impartiality, independence, non-harm, non-discrimination, accountability, respect for privacy and for the confidentiality of sources.

**2. MEDIA OUTLETS PRIORITIZE HUMAN AGENCY.** Human decision-making must remain central to both longterm strategies and daily editorial choices. The use of AI systems should be a deliberate and wellinformed decision made by humans. Editorial teams must clearly define the goals, scope, and usage conditions for each AI system. They must ensure a cross-sectional and continuous oversight of the impacts of deployed AI systems, ensure their strict compliance with their usage framework, and retain the ability to deactivate them at any time.

**3. AI SYSTEMS USED IN JOURNALISM UNDERGO PRIOR, INDEPENDENT EVALUATION.** The AI systems used by the media and journalists should undergo an independent, comprehensive, and thorough evaluation involving journalism support groups. This evaluation must robustly demonstrate adherence to the core values of journalistic ethics. These systems must respect privacy,

intellectual property and data protection laws. A clear accountability framework is established for any failure to meet these requirements. Systems that operate predictably and can be simply explained are preferred.

**4. MEDIA OUTLETS ARE ALWAYS ACCOUNTABLE FOR THE CONTENT THEY PUBLISH.** Media outlets assume editorial responsibility, including in their use of AI in gathering, processing, or disseminating information. They are liable and accountable for every piece of content they publish. Responsibilities tied to the use of AI systems should be anticipated, outlined, and assigned to humans to ensure adherence to journalistic ethics and editorial guidelines.

**5. MEDIA OUTLETS MAINTAIN TRANSPARENCY IN THEIR USE OF AI SYSTEMS.** Any use of AI that has a significant impact on the production or distribution of journalistic content should be clearly disclosed and communicated to everyone receiving information alongside the relevant content. Media outlets should maintain a public record of the AI systems they use and have used, detailing their purposes, scopes, and conditions of use.

**6. MEDIA OUTLETS ENSURE CONTENT ORIGIN AND TRACEABILITY.** Media outlets should, whenever possible, use state-of-the-art tools that guarantee the authenticity and provenance of published content, providing reliable details about its origin and any subsequent changes it may have undergone. Any content not meeting these authenticity standards should be regarded as potentially misleading and should undergo thorough verification.

**7. JOURNALISM DRAWS A CLEAR LINE BETWEEN AUTHENTIC AND SYNTHETIC CONTENT.** Journalists and media outlets strive to ensure a clear and reliable distinction between content derived from the physical capture of the real world (such as photographs, and audio and video recordings) and that which is created or significantly altered using AI systems. They should favor the use of authentic footage and recordings to depict actual events. Media outlets must avoid misleading the public in their use of AI technologies. In particular, they should refrain from creating or using AI-generated content mimicking real-world captures and recordings or realistically impersonating actual individuals.

**8. AI-DRIVEN CONTENT PERSONALIZATION AND RECOMMENDATION UPHOLDS THE DIVERSITY AND THE INTEGRITY OF INFORMATION.** In media outlets, the design and use of AI systems for automatic content personalization and recommendation should be guided by journalistic ethics. Such systems should respect information integrity and promote a shared understanding of relevant facts and viewpoints. They should highlight diverse and nuanced perspectives on various topics, fostering open-mindedness and democratic dialogue. The use of such systems must be transparent, and users should whenever possible be given the option to disable them to ensure unfiltered access to editorial content.

**9. JOURNALISTS, MEDIA OUTLETS AND JOURNALISM SUPPORT GROUPS ENGAGE IN THE GOVERNANCE OF AI.** As essential guardians of the right to information, journalists, media outlets and journalism support groups should play an active role in the governance of AI systems. They should be included in any global or international institutional oversight of AI governance and regulation. They should ensure that AI governance respects democratic values, and that diversity of people and cultures is reflected in the development of AI. They must remain at the forefront of knowl-

edge in the field of AI. They are committed to examining and reporting on the impacts of AI with accuracy, nuance, and a critical mind.

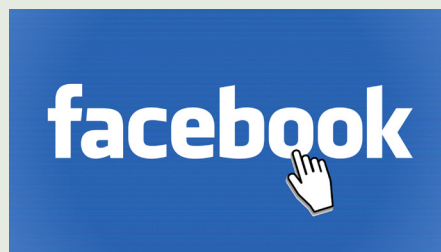
**10. JOURNALISM UPHOLDS ITS ETHICAL AND ECONOMIC FOUNDATION IN ENGAGEMENTS WITH AI ORGANIZATIONS.** Access to journalistic content by AI systems should be governed by formal agreements that ensure the sustainability of journalism and uphold the long-term shared interests of the media and journalists. AI system owners must credit sources, respect intellectual property rights, and provide just compensation to rights holders. This compensation must be passed on to journalists through fair remuneration. AI system owners are also required to maintain a transparent and detailed record of the journalistic content utilized to train and feed their systems. Rights holders must make the repurposing of their content by AI systems conditional on respect for the integrity of the information and the fundamental principles of journalistic ethics. They collectively call for AI systems to be designed and used in such a way as to guarantee high-quality, pluralistic and trustworthy information.

Source: [https://media.icij.org/uploads/2023/12/Paris-charter-on-AI-in-Journalism.pdf?fbclid=IwAR1JMy89xgA5eAYDJGK68\\_ky-MGx3wBxS9Vg8Qd4mPG6Gcj2r-N9hdftuyz0](https://media.icij.org/uploads/2023/12/Paris-charter-on-AI-in-Journalism.pdf?fbclid=IwAR1JMy89xgA5eAYDJGK68_ky-MGx3wBxS9Vg8Qd4mPG6Gcj2r-N9hdftuyz0)

# Facebook censors voice of global CSOs on blockade of internet in Gaza

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.

Internet and telecommunication infrastructures in Gaza were destructed thus, disrupting citizens' access to information and communication. On this, more than 100 international



civil society organizations including Freedom Forum had signed a joint statement condemning the destruction and calling national and international community to support for restoration of the internet and communication in the area. FF shared this joint statement

published on the website of Arab Alliance for Digital Rights on October 20 on its Facebook page. After few hours, a notification read: 'We removed your status. Your post goes against our community standards on spam.'

'It is sheer suppression of freedom of expression by the tech company, Meta, which is against human rights,' said FF Chief Executive Taranath Dahal, urging Meta to restore the global concern for affected peoples' right to access information and communications. 🌱

# Self disclosure update

<b>Type and Nature of Organization</b>	NGO working for Democracy, Right to Information, Freedom of Expression, Fiscal Transparency and Open Data, Media Policy and Law, Internet Freedom		
<b>Legal Status</b>	Registered at District Administration Office Kathmandu. DAO Registration Number: 127/062/63, SWC Affiliation Number: 18518		
<b>Location</b>	Adarsa Marga, Prasuti Griha Road, Thapathali, Kathmandu		
<b>Staffs and Roles</b>	<b>Taranath Dahal:</b> Executive Chief, coordinates overall organizational and administrative affairs		
	<b>Aruna Adhikari:</b> Finance and Administration Officer, looks after accounting and administrative affairs and performs responsibilities as the Information Officer.		
	<b>Nanu Maiya Khadka:</b> Gender Monitoring Officer, responsible for monitoring media content on gender perspectives		
	<b>Aditya Dahal:</b> RTI App and website operator		
	<b>Manju Ojha:</b> Front Desk Assistant, <b>Ganga Kumari Gurung:</b> Office Assistant		
<b>Consultant/Researchers</b>	<b>Krishna Sapkota, Narayan Ghimire, Subash Dahal</b>		
<b>Ongoing Project Information</b>	<b>Project Name</b>	<b>Supporting Agency</b>	<b>Date of start of project</b>
	Open Budget Survey	International Budget Partnership (IBP)	1st January 2023
	To strengthen free and safe digital civic space for protection and promotion of freedom of expression	IFEX	1st November 2023
	Capacity building of Nepal National Human Rights Commission and other stakeholders to promote the UN Plan of Action on the Safety of Journalists and the Issue of Impunity	IMS	1st July 2023
<b>Services and Activities</b>	Research, capacity development and policy advocacy including media monitoring, trainings on RTI and journalism, meetings, workshops, seminars and other campaigns to promote issues of democracy, RTI, FoE, fiscal transparency, human rights, local governance. It also provides legal aid to journalists, media and information seekers.		
<b>Responsible Authority</b>	<b>Chairperson:</b> Hari Binod Adhikari, <b>Executive Chief:</b> Tara Nath Dahal		
<b>Decision Making Process</b>	<b>General Assembly:</b> Making policies, rules and regulations of organization <b>Executive committee:</b> Formulation of action plans as per constitution of organization, rules and regulation <b>Management team:</b> Running projects and daily operational affairs and reporting timely to the Executive Committee.		
<b>Past/Current Activities</b>	Please follow the link: <a href="http://freedomforum.org.np/content/category/activities/">http://freedomforum.org.np/content/category/activities/</a>		
<b>Information Officer</b>	Aruna Adhikari		
<b>Financial Information</b>	Freedom Forum received grants amounting Rs 3143639.32 (October to December 2023)		
<b>Official Website</b>	<a href="http://www.freedomforum.org.np">www.freedomforum.org.np</a>		
<b>Publications of Freedom Forum</b>	Freedom Forum has over 60 Publications (printed). Please contact the library. Follow the link: <a href="http://freedomforum.org.np/content/publications/">http://freedomforum.org.np/content/publications/</a>		
<b>Annual Report</b>	<a href="http://freedomforum.org.np/content/publications/reports/annual-reports/">http://freedomforum.org.np/content/publications/reports/annual-reports/</a>		
<b>Information Dissemination</b>	Websites- <a href="http://www.freedomforum.org.np/">http://www.freedomforum.org.np/</a> ; <a href="http://www.nepalpressfreedom.org">www.nepalpressfreedom.org</a> , and Newsletter-Free Expression		

## FF participation in International Forum

Treasurer Shiwaa Dahal and Media Monitoring Officer Nanu Maiya Khadka participated in South Asian Study Visit on Press Freedom Index organized by Indonesian Association for Media Development and Free Press Unlimited in Jakarta, Indonesia on October 10-11, 2023. The visit was a great learning experience for delegates from Nepal and Pakistan on creating and adopting the Press Freedom Index in respective countries. 🌱





# Europe: 108 journalists in prison at the turn of the year

In 2023, Russia became the country that imprisons most journalists in Europe (40); Belarus was the second worst offender, with 32. In Azerbaijan, the number of journalists detained almost quadrupled.

This statement was originally published on [europeanjournalists.org](https://europeanjournalists.org) on 1 January 2024.

108 journalists spent New Year's Eve in prison, according to a count by organisations affiliated to the European Federation of Journalists (EFJ) and the Council of Europe's Platform for the Protection of Journalism.

While the overall number of journalists detained in Europe has fallen slightly compared to last year (108 instead of 124), repression has increased considerably in certain countries, such as Azerbaijan, where the number of journalists detained has almost quadrupled, as well as in Russia, which this year has become the country that imprisons the most journalists in Europe (40 in total, in Russia and occupied Ukraine).

The EFJ and its affiliates once again call on national governments to take the necessary measures to guarantee press freedom in Europe and to ensure the safety of journalists. Legal standards exist and so do good practices. But very few states implement them.

"There are almost as many journalists imprisoned in Europe as in China and Iran combined," said EFJ President Maja



Sever. "The recent wave of arrests of independent journalists in Azerbaijan is designed to intimidate all journalists working in the country. It is worrying to see Western European countries such as the United Kingdom adopting the same practices. We demand the immediate release of journalists imprisoned just for doing their job!"



*Gdansk, Poland, 8 February 2023. A protester holds a portrait of Andrzej Poczobut (Pachobut), during a demonstration in support of the journalist who had been in Belarusian custody since March 2021, and was sentenced to eight years in prison. Agnieszka Pazdykiewicz/SOPA Images/LightRocket via Getty Images*

In particular, the EFJ calls on the member states of the Council of Europe to implement without delay the Committee of Ministers' Recommendation 2016/4 on the Protection of Journalism and the Safety of Journalists. The adoption of national plans related to this Recommendation is now a priority.

Source: <https://ifex.org/europe-108-journalists-in-prison-at-the-turn-of-the-year/>

Freedom Forum is an independent, non-governmental and not-for-profit civil society organization working for the cause of social accountability, democracy and human rights focused on press freedom, freedom of expression and right to information in Nepal. Incepted in 2005, Freedom Forum has emerged as a prominent national organization in promoting access to information and freedom of expression through dialogue, research, training, public advocacy and campaign and programme implementation. Currently, the organization is working on the issues of public finance management, budget transparency, open data and aid governance, political and parliamentary accountability, freedom of expression online and open government partnership (OGP) based on its on-hand experience and learning.



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