

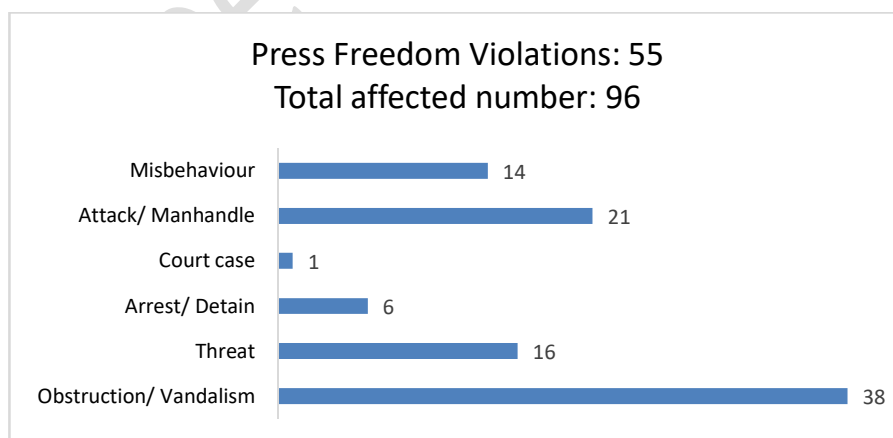
Nepali Media Still In Crisis

Stagnant policy reform, emerging threat in digital space

The lessening impact of COVID-19 on national affairs eased the activities in various sectors, but the restoration of media activities in full scale eluded in the past one year (May 3, 2021 to May 2, 2022). Verbal and written commitment to press freedom but gross ignorance in practice on behalf of political parties and government bodies; no address on crimes against journalists to reduce impunity; and attempts to suppress free speech also figured during this period. Political tussle took toll on legal reform that even the IT bill could not be passed from bill session of the federal parliament- the session was prorogued without getting any business. Irrespective of pandemic impact, journalists' role on prodding public officials and agencies for accountability, thereby exposing misconduct and irregularities are laudable.

The COVID-19 pandemic declined gradually, but its impact on Nepali media and journalists has not been over. Reinstatement of journalists and restoration of media in full scale are yet to be realized following the pandemic. Huge shift of media persons from print to digital space- a promising new land- to thrive professional journalism is awaited. Irrespective of the change in government- the authoritarian one was replaced by the government led by the party with democratic values, law and policy reform could not be witnessed. It was stagnant. The expectation of improved press freedom got watered down, while the free press is poised to digital threats.

FACTS AND FIGURES



- Number of press freedom violations decreased in this monitoring period. 55 incidents of press freedom violations were recorded this time while there were 88 incidents in the previous year. This past year, in the violations, a total of 96 journalists including 7 female journalists were affected across the country.
- Out of the total affected with the violation this year, 38 were from obstruction/vandalism, followed by 21 from attack and manhandle, 16 from threat, 14 from misbehavior, 6 from arrest, and 1 from court case.
- Categorizing the affected ones as per media types, among the affected 39 were from online media, 10 from print, 6 from Television, and 4 from radio, 1 freelance, and 36 others. Others category include news agency, online television, You Tube channels, etc.
- As per province category, Bagmati Province and Madhesh Province witnessed the highest number of violation each affecting maximum number of journalists (36). It is followed by 12 journalists affected in Lumbini Province, 6 from Karnali Province, 4 journalists from Gandaki Province and 2 from Province 1. No incidents were recorded from Sudur Paschim Province.
- Most of the violations took place while journalists were covering protests and stories regarding public interest/concern issues, crime, irregularities, and corruption.

SOME MAJOR INCIDENTS

- Security persons summoned journalist and noted blogger, Umesh Shrestha in Kathmandu for a blog. The officer at Cyber Bureau grilled him for his blog about misleading and fake news relating to Millennium Challenge Corporation.
- Journalist Nagendra Upadhyay, a correspondent at Nagarik national daily, from Karnali Province received death threat from the personal secretary of minister over phone call for reporting rape allegations against minister. A mob also reached the residence of the journalist. Similarly, a mob threatened journalist Bishnu Neupane, correspondent at Annapurna Post national daily, over the news on the same incident. The reporters received threatening statements from Minister's Pres Advisor on a social media page.
- Female journalist received threats of attack for publishing news in Ramechhap. Gyanu Shrestha, associate editor at Annapurna Times had published news regarding misuse of vaccination drive.
- Photojournalist Nimesh Jung Rai associated with www.nepallive.com - a news portal - was attacked by the security persons in federal capital while he was shooting the torch rally organized by the agitated student wings of five major opposition political parties. As per Rai, although he produced his Press ID Card

and showed camera, the security persons continued beating him resulting in injury on his knee.

- Press Council Nepal continued issuing letter to Nepal Telecommunications Authority to block the website of online news portals including, www.sagarmathadaily.com. The Council asked NTA to ban the news portal on the ground that it is neither registered as per Council's regulation and it publishes misleading news.
- The Council of Ministers adopted the eleventh amendment in the National Broadcasting Regulation, 2078 as a move to regulate online media. The overbroad and ambiguous provisions of the regulation is a potential threat to freedom of expression and open internet.

IMPUNITY

No efforts were made to address impunity relating to crimes against journalists. Justice is awaited both in the conflict era case of Dhan Bahadur Magar, and the post-conflict cases of JP Joshi, Jamim Shah and Devi Prasad Dhital. Conflict era cases should be addressed by the transitional justice mechanism.

LAW/POLICY WATCH

The Council of Ministers adopted the amendment on Rules of the National Broadcasting Regulation (Eleventh Amendment) 2078. The Ministry of Information Technology and Communication claimed it to be introduced for regulation of online media and platforms. However, the ambiguous and over-broad provisions of the rule undermined the freedom of expression, right to broadcast and principle of open internet.

The regulation provides vague and ambiguous definition of terms like, "Over the Top", "Video on Demand", and "Online Television", which are overbroad to cause confusion among the law enforcing agencies as well as chilling effect among the media persons. The definition of "Online Television" is broad enough including social media platforms that are vital for exercising freedom of expression. This amendment may appear as a weapon to limit and restrict freedom of expression and open internet. The regulation is unclear about its objective.

Apart from that, the political turmoil in the aftermath of reinstatement of parliament twice by the Supreme Court became a reason for continuous obstruction of parliament by the major opposition party, CPN (UML). The obstruction in the lower house blocked the discussion and debate over the issues of public concern and many bills were in limbo. The Bill session of the federal parliament was prorogued without any progress. As a result, the Information Technology Bill has been in the parliament for the last three years without any progress. The problematic provisions in the bill that have capacity to threaten press freedom and freedom of expression are therefore yet to be resolved.

Freedom Forum has made and published a policy brief critically looking into the provisions of the Bill. The policy brief has pointed out the challenges in the Bill with its suggestion for amendment.

TREND ANALYSES

As compared to the previous years that saw government leadership publicly blaming, discrediting, and making virulent attack on journalists and free press, this year did not witness so. But, the ministries, issuing directive and circular to the citizens to not write on issues of public concern panicked journalist and commoners equally and showed double standard and gross intolerance to criticism. Such directives and circulars were intended to suppress free press and FoE.

Efforts to influence and mis/use media for one side acts of the government is another worrying trend. Deletion of opinion article from the State-run media was against the notion of free press and FoE.

The involvement of high number of security persons, government employees in press freedom violations draws attention that security persons, and public servants especially the lower-rank ones, are not trained on human rights issues as value of free press for democratic system.

The tussle among the political parties in parliament took toll on law reform- even the information technology (IT) bill could not be passed by the bill session of the federal parliament. FF has continuously been advocating for amendment on the bill to wipe out regressive provisions.

The Cabinet bought the Rules of the National Broadcasting Regulation (Eleventh Amendment) 2078. The amendment has been made relying on the "other communication mediums" mentioned in section 5. The regulation has overstepped the provisions of the Broadcasting Act, as it has not envisioned regulation of online media. Though the regulation of online media is much debated, proper law on it upholding the principles of freedom of expression and open internet is still elusive.

Electronic Transaction Act is still a severe threat to commoners and journalists. Anyone intolerant to free speech are using it and harassing media persons.

The number of internet-based news media has exceeded 3,000 in Nepal. It is a positive development, but warrants attention that floods of dis/misinformation is ruining media credibility and discrediting working journalists. With augmented visibility of journalists working in internet-based media, they have become more vulnerable. This reporting period has also recorded that those against free press are showing intolerance to journalists via social media (Facebook). It is indication that challenges to journalists and free press are shifting to digital spaces.

The rising number of internet-based news media is a major trend, which shows huge migration of journalists from traditional media to digital media. It is because that print media have not been restored media activities in full scale though the COVID-19 impacts have largely reduced.

Although many journalists were expelled from the job in the name of COVID-19 in the previous years, this ill trend has not come to an end. Sacking working journalists from media without sufficient reason is not only a sheer professional threat but also a panic in entire media fraternity. It must be ended.

Violation as per Province



Removing opinion article from State-owned media is evident misuse of these media. It has a serious setback on the constitutionally-guaranteed right to free expression and right to information. It is also the erosion of editorial freedom.

Arbitrary act of Press Council Nepal continued this year too. In absence of specified methodology, blaming any digital media of spreading fake news and blacklisting and removing is egregious attempt to control media and suppress free press which does not suit democratic system. So, its random act to block news portal warrants serious concern.

PROJECTION AND NEED

As the nation is holding three tiers of elections, intensified election campaigning and political tussles and brawls may increase. Amid this, media's neutral role is needed. Stay physically safe and away from any side is mandatory for free press. Independent, fair and credible reporting is must during this democratic event.

Journalists have been facing threat from local representatives, ministers, government officials, as well as security persons while covering news, corruption, crimes and other irregularities. Therefore, journalists require additional physical and professional safety to complete their task in this regard. The concerned authorities should train security persons about significance of free press, and provide adequate training on how to treat journalists covering protests.

In the wake of increased misinformation and disinformation, the journalists need to play a crucial role to preserve the value of free press. The media houses should have proper fact check mechanism before disseminating any news. The digital deluge of misinformation and disinformation affect the credibility and public trust on media, free press and journalists, which ultimately dents democracy.

Political leadership and law makers need to be continuously prodded for the legal reform surrounding media, press freedom, digital space and freedom of expression.

As the threat over press freedom continues, active and continuous advocacy for the FoE, free press and journalist's right is imperative.

Press Freedom Violations over a Decade



Note: For more information, please read violation stories and media reports, visiting Freedom Forum websites: www.freedomforum.org.np & www.nepalpressfreedom.org

Freedom Forum