

Nepali Press under State Surveillance

Digital skills in journalists imperative to avoid digital threats

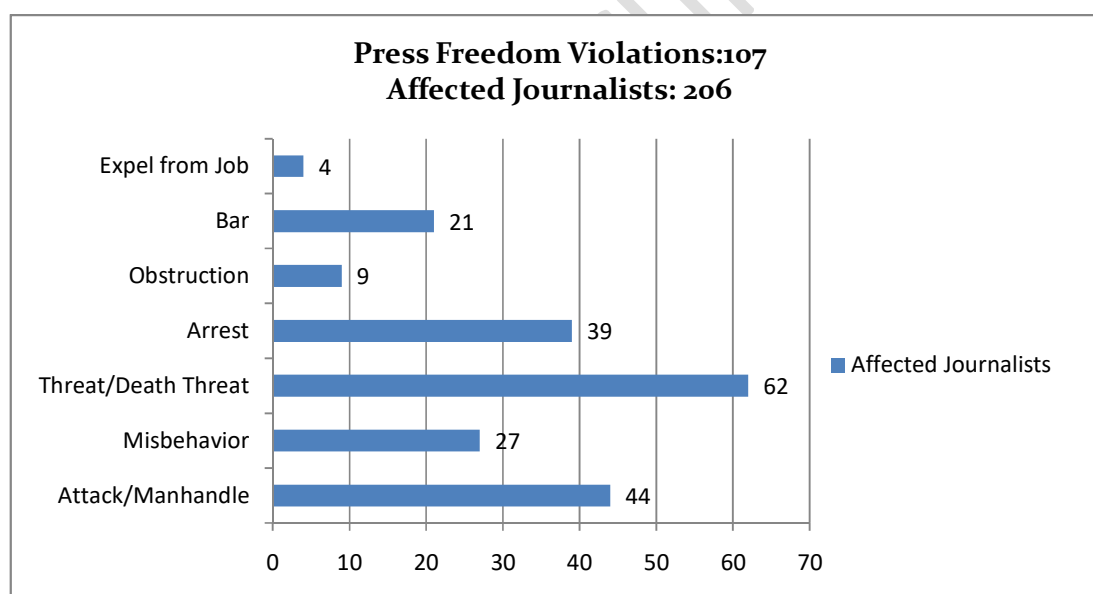
Increased press freedom violations coupled with political intolerance; selective, organized and technological surveillance on media and journalists; coordinated verbal and social media attack against journalists and critics; attempts to flow guided information and censorship; apathy to address impunity relating to crimes against journalists; poor media safety to face crisis featured significantly in the recent past year (May 1, 2019 to April 30, 2020). Despite sheer political hostility and intolerance, active role of journalists and media houses to save free press by holding public authorities and officials to account for their misconduct and irregularities is worth noting this year.

With the unprecedented health crisis following the outbreak of COVID-19, Nepali media too has been suffering much for some months. It has resulted in journalists' loss of jobs, closure of many small media and curtailment of news from the big media. Citizen's right to information, free speech, free press and entire media industry have been badly dented with this.

FACTS AND FIGURES

- Number of press freedom violations slightly increased this year with 107 as comparison to 104 last year. The sporadic violations directly affected a total of 206 journalists across the country this year.
- Out of total affected with the violations this year, 62 are from threats followed by 44 from attack and manhandle combined, 39 from arrests, 27 from misbehavior; 21 from barred from reporting, 9 from vandalism and obstruction combined, and 4 from expulsion from job.

- Categorizing the affected ones as per media type, among the affected, 69 were from online media, 48 from print, 42 from Television, and 30 from radio, 14 freelance and 3 others.
- As per the Province, Province 3, which is also the federal capital Kathmandu witnessed the highest number of violations (43), followed by Province 2 (20). Similarly, Province 1 and Gandaki Province shared equal number of violations (10). Province 5 and Far West Province witnessed equal number of violations (6) and Karnali Province recorded 12 violations.
- Most of the violations took place while journalists were covering stories regarding public interest/concern issues, crime, irregularities, corruption and political demonstrations.



SOME MAJOR INCIDENTS

On third week of March, Press Council Nepal, a media regulatory body, shut down nearly 50 websites and wrote to the National Telecommunication Authority to restrict access to those online

portals from the country alleging them of spreading 'false information on Covid-19.'

On April 1, the Shiran Technologies Pvt. Ltd, having its link to the IT expert to Prime Minister, secretly removed the content- 'a story about the corruption on purchase of medical equipment involving the sons of Prime Minister's Chief Advisor and of Deputy Prime Minister' from the backend of news portal- www.kathmandupress.com Editor-in-Chief of the news portal, www.kathmandupress.com Mr Kosmos Biswokarma wrote in Twitter, "The news story was removed illegally from the website on Wednesday (1 April) and the media was investigating into the illegal hacking of the portal." Moreover, the news portal was suspended for one and half hour. He has further shared the information the staffs from the software company repeatedly urged the editors to remove the news.

The State-owned Radio Nepal removed an interview it had with the former Prime Minister Dr Baburam Bhattarai on April 27. The Radio Nepal also directed its staffs to be cautious while choosing guest in the program to be broadcast from the Radio Nepal. In the talk program, former Prime Minister Dr Bhattarai had criticized prime minister's recent activities.

Three journalists working at Province Broadcasting Center Dipayal of Radio Nepal namely, Sunita Rawal, Prakash Bam and Chakra Kunwar were dismissed from their job without prior notice and explanation. Three of them were called at the Radio Broadcasting Service Development Committee on August 19 and informed about their dismissal verbally without any explanation.

The Prime Minister has repeatedly discredited and demoralized media and its role. Those against free press are encouraged and stoked with such anti-press views. Recently, he accused the media and social media users of acting against stability and development in Nepal.

IMPUNITY

Although very late, the efforts made to reduce impunity relating to crimes against journalists must be welcomed. Once the authorities concerned

pay such attention, rest of the cases on crimes against journalists could be addressed gradually.

Nepal Police arrested murder convicts of two journalists killed in the past period to which FF believes would certainly provide morale boost to the working journalists for continuing the profession despite adversity.

The main accused Bam Bahadur Khadka in the case of journalist Dekhendra Raj Thapa was arrested. Among four accused involved in the murder, fugitive Bam Bahadur Khadka, a resident of Cheudipusakot, Dullu Municipality Ward-6 from Dailekh district was finally taken into custody. This order was given by the District Court after the District Police Office Dailekh brought Khadka before the court on 3 March 2020. Local reporter to the Radio Nepal, journalist Thapa was abducted and subsequently killed by the cadres of then Communist Party of Nepal (Maoist) on 10 August 2004. He was abducted from Chhanna Bazar of then Bhawani Village Development Committee on June 4, 2004.

Similarly, after 12 years of the incident, Nepal Police arrested the convict Narendra Kumar Faujdar (Kundan) from his own residence at Baragadhi Rural Municipality, Bara on March 7, 2020. Journalist Birendra Saha was a reporter with Avenues TV, Dristi weekly and Nepal FM. He was first abducted by the cadres of the then rebel Communist Party of Nepal (Maoist) on October 5, 2007 from Pipara of Bara district. Later, journalist Sah was found dead at then Dumarwana Village Development Committee, Ward No 7 of the same district after a month of abduction on November 8, 2007.

However, the 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.

Efforts to weaken the role of Human Rights Commission and Judiciary have direct impact on the impunity relating to crimes against journalists. Delayed hearing on the petitions on FoE and journalists rights is worrying.

Since 2008, Freedom Forum has been continuously prodding the political leaderships, lawmakers, police administrations and judiciary to address

the pending cases for ending impunity and catering justices to families of the slain journalists.

LAW/POLICY WATCH

There are not any significant changes in law and policy since we reported last time at the end of 2019. Both in the federal and provincial levels, conservative and haphazard approach are adopted in making laws and policies relating to press and information.

There are no new acts in the federal level. But, different media related laws are in making while few are under consideration in the parliament. Those under consideration in federal parliament are Media Council Bill and IT Bill. Similarly, those under draft process in the federal levels are Mass Communications Bill and Public Service Broadcasting Bill.

Government grip is evident in the structure to be formed under these laws; media content regulation is under executive control which kills free flow of information and hampers journalistic profession.

Meanwhile, the Nepal Special Service Bill to amend and integrate laws relating to the constitution and operation of Nepal Special Service Act is a matter of concern for it mentioned that intelligence agencies can directly monitor or intercept calls and conversations by merely getting approval from the department head. This provision not only encourages highhandedness of State agency but also ruins journalists' rights to free reporting. Investigative stories in journalism would die at the hand of such provision.

Province 3 passed RTI Act by defiling the provision of independent institution to look after RTI but just as branch of ministry. Although federal law has acknowledged political parties as public body, it has contradictory provision.

The Broadcasting Acts brought in Province 5 and Karnali Province have also shown government hold. Government's interference on content regulation is established there. Institutions to be formed under the Act are also under government control.

Under consideration is Radio FM TV Bill in Far West Province Assembly. The draft of Mass Communication Bill is in making in Gandaki Province. Both have similar control oriented features.

A media directive in judiciary which is also in making has the provision that media is allowed to carry only 'authorized information'. It gravely ignores whistleblower provision of RTI Act and discourages investigative reporting in judicial sectors.

As stated previously, no initiatives were taken to amend the restrictive provisions on the Criminal Code and Civil Code.

Although the parliament asked the government to revoke the Online Media Directive, it is yet to be annulled.

The voice for changing state owned media (Radio Nepal and Nepal Television) to public service broadcasting has been grossly ignored.

TREND ANALYSES

Blaming, discrediting, and making virulent verbal attack and threatening journalists and free press have further escalated. As even the top leadership in political parties, especially the ruling one, is showing severe intolerance, other State apparatus are encouraged to follow the suite. It is resulted in belittling of the role of free press in democracy, panicked journalists and fomented efforts to control information regime.

Prioritizing government media and discrediting private media have alarmingly increased. The journalists from private media are not allowed to the office of the President and the Prime Minister, thereby dividing media and journalists.

As the political disputes emerged lately dominating the State affairs, the democratic space is largely shrunk, where free press is suffering. The tussle within the ruling party over leadership mismanagement created vertical division among their cadres and leaders fomenting factions which are resulted in mounting intolerance to news and media reports.

Electronic Transaction Act is a continuous source of journalists' suffering since its enactment. Anyone intolerant to free media are invoking it randomly and harassing media persons.

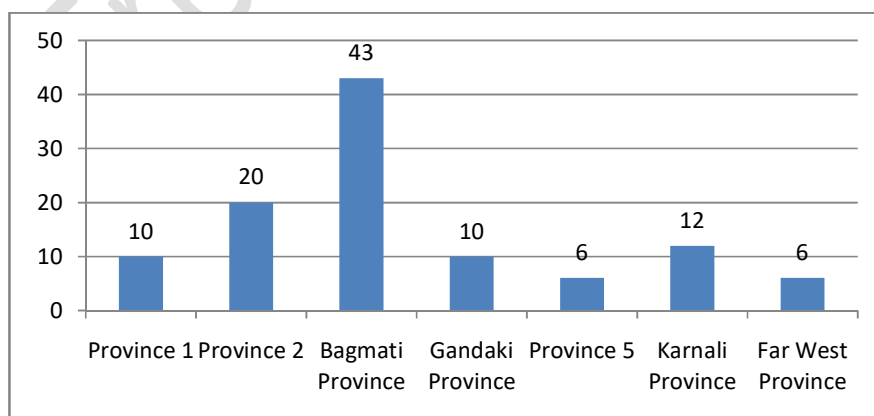
With increasing number of internet-based media and their quicker visibility and immediate impact as compared to the print media, the journalists working in internet-based media are more vulnerable. Issuance of public threat to reporters via social media (Facebook) is another new trend.

Although it is natural to have additional sensitivity, precaution and preparedness in view of the COVID-19 pandemic, the government's coordinated efforts to hide information draws huge concern. Similarly, growing intimidation- threat to and arrest of journalists and media houses- in the name of spreading rumour and 'fake news' is another worrisome development.

Alleging journalists of spreading rumour was rife this year especially while exposing the weakness and mismanagement on the face of COVID-19 crisis. Together with undue pressure on the reporters was built in a bid to control media and journalists. It signals threat to press freedom.

In the wake of stay-at-home order enforced to contain the spread of COVID-19 in the country, thousands of media were disrupted, thereby relieving journalists of their job. It has not only resulted in the financial crises but also badly shrank the information regime.

Violation as per Province



State-owned media are misused for guided flow of information. At a time when the voice has been raised over decades to change the State owned Radio Nepal into the public service broadcaster, misuse of these media for the admiration of ruling party is a serious setback on the constitutionally-guaranteed right to free expression. This Radio Nepal case reflects growing interference of government and has disrespected the editorial freedom, which is not only against constitution but also detrimental to broader democratic values. Ironically, the State which should ensure protection of fundamental right to freedom of expression has been engaged in infringing the democratic exercise of the right.

Sustainability of media and journalist's financial safety are suffering much for the journalists favouring government are protected and promoted while those making healthy criticism and belonging to different political faith are expelled without reason. It has vertically divided the journalists thereby controlling every media by the political thump.

One of the horrible trends this past year was that the ruling party gathered the journalists near them and administered the oath treating them as their political cadres. It is essentially step ahead to capture media with party politics.

With increased tussle in the political parties and leadership, the number of civilian and journalists are hassled and threatened based. The dispute in political leadership resulting in hostility to journalists warrants equal concern.

Mobilization of group of people to belittle and castigate the journalists and critics who have differing views to government activities is horrible trend that is violating journalists and silencing citizen's voice.

Council must not act arbitrarily; it has not specified any methodology or type of content as misinformation. Yes, it is rightful body to monitor the content while in the name of monitoring content, blocking media is deplorable. Also, in the name of misinformation, journalists must not be panicked and media controlled.

Though Press Council is the rightful body to monitor media contents and is eligible to ask for clarification to concerned media, its random act to block news portal is deplorable. Banning online news portals is unconstitutional as Nepal's constitution itself guarantees rights to free press and freedom of expression. Blanket approach adopted to block the sites will suppress the freedom of expression.

PROJECTION AND NEED

In the wake of the political dispute, and global crisis of COVID-19, free press is to suffer more in the days to come with weak media economy.

The journalists and media houses will see tougher days to save journalism in the wake of surveillance. They therefore need to equip themselves technically and technologically to avoid surveillance. Journalists' capacity building with digital skills is must to minimize rising digital threats.

As harshness is growing from the State apparatus in the name of stability, journalists are in need of additional physical, and professional safety to investigate the corruption, crimes and irregularities.

The misuse of this problematic Electronic Transaction Act is likely to growing in the tough time. Therefore, unified voice from all the concerned stakeholders against this needs continuity.

Free press stakeholders and freedom of expression defenders should be together and work in unison to stay away from the 'guided information and misinformation' that is highly likely to come with sheer abuse of state agencies targeting and tarnishing the role of free media in democracy.

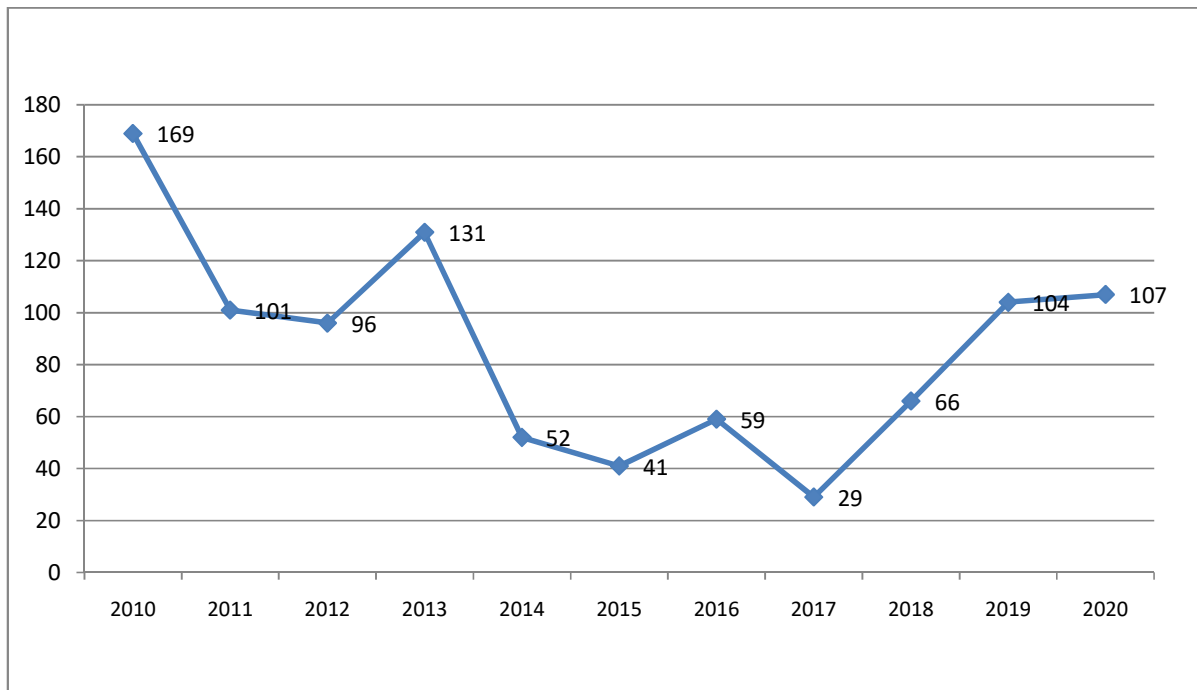
Journalistic ethics in media/journalists is must to avoid equally essential to keep intact the influence of media to bring positive changes.

Active and continuous advocacy for the FoE, free press and journalists' rights is imperative.

In the wake of the weakened media in the face of COVID-19 pandemic, broader discussion and collaboration among the media fraternity and FoE

and information advocacy group is essential so that media presence would be restored and free press augmented for well functioning democracy.

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

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