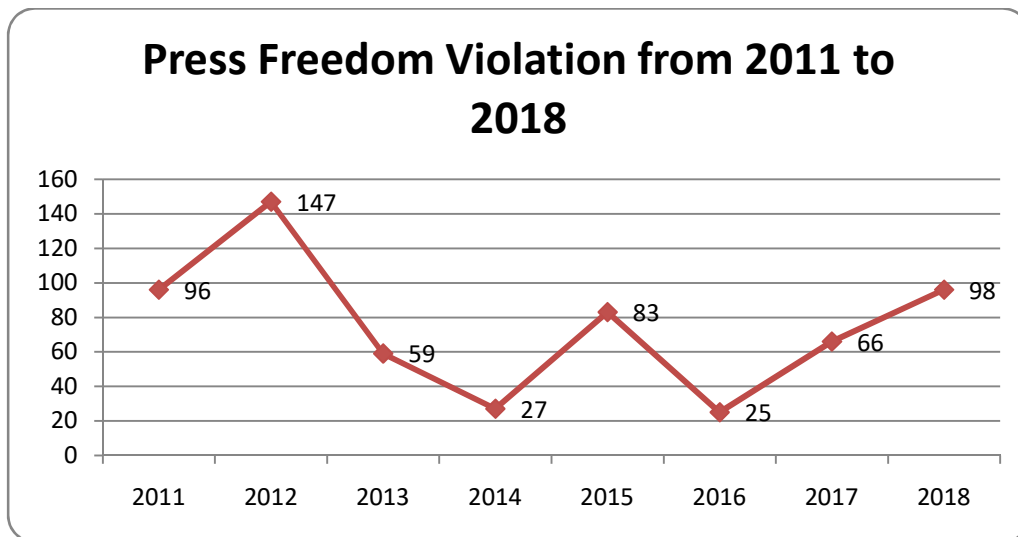


Media Freedom Deteriorating

Sharp increase of press freedom violations, no concrete efforts to end impunity relating to crimes against journalists, defamation and discredit to media and journalists, intolerance to healthy criticism, no positive but hostile move while reforming media law and policy, ill efforts to control journalists and media and non disclosure of government information paint a disappointing situation of media freedom this past year 2018 in Nepal.

Freedom Forum recorded a total of 98 press freedom violations that directly affected at least 223 journalists in 2018, which is a sharp increase from 66 violations in 2017. The number of violations is the highest in the last six years. Despite the strong government and attempts for constitution implementation at larger scale, the situation for press freedom in the country deteriorated badly.

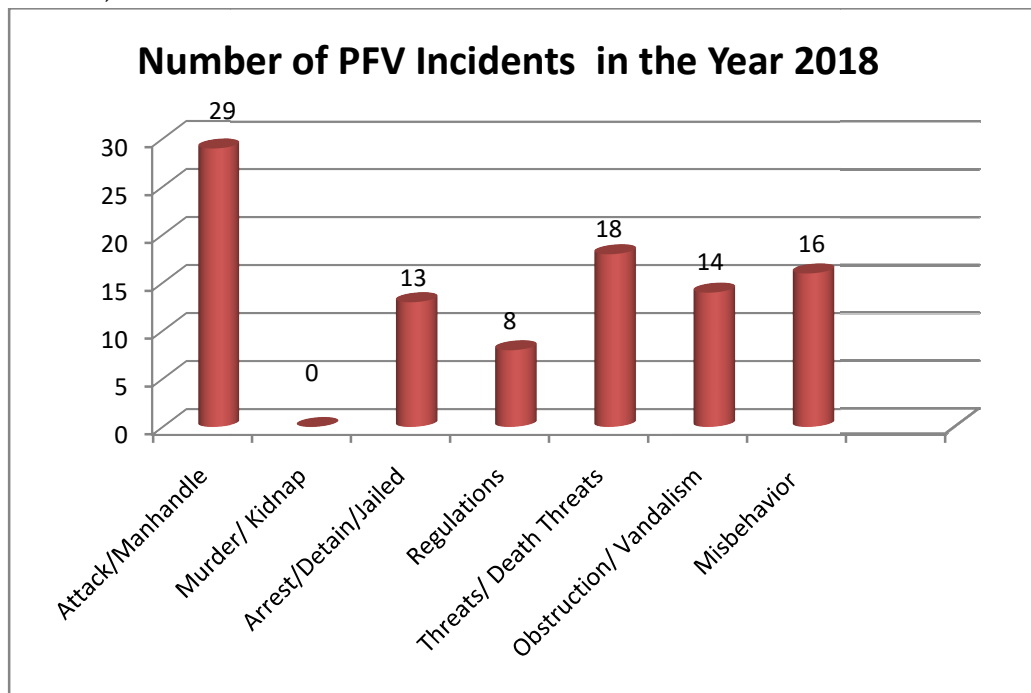
With the installation of new government in February 2018 following the elections in all three-tier of governments as per the federal system, there were expectations that better environment would be offered for media. The scenario, however, was opposite. The government behavior towards access to information, media freedom and journalists turned more unreceptive, and several drafts of laws and regulations which are considered, not press friendly. In sum, political environment for journalists turned gradually intolerant in new set up.



SOME POINTS

Throughout the year, FF closely watched all aspects of freedom of speech and expression issues in online, broadcast and print media. Also, the press freedom violations monitoring was done with the aspect of keeping the track of hostile elements to press freedom, province wise media violation data, type of violations faced by the journalists. During the yearlong monitoring, FF made the following update:

- Province 3 witnessed the highest number of press freedom violations (37) followed by Province 2 (14) and Province 4 (12).
- 12 cases of arrest and detention, 28 of attack and manhandle combined, 13 of vandalism and obstructions combined and 12 of misbehavior were recorded in the year.
- Kathmandu Valley alone witnessed 32 number of press freedom violations which is almost half the total violations.
- The data shows that security officials are the major hostile elements to the journalists where people from security agencies are involved in 40 press freedom violations.
- Out of 98 violations, the number of male journalists affected was 197 and of female journalists stood 26.



Total violations: 98; No of affected + 223

GENERAL TREND AND OVERVIEW

- There were systematic and planned efforts from government side to discredit role of media labeling media as 'false news industry', and portraying performance in negative light. It was worrying that responsible Minister took the lead of this campaign.

It is noteworthy to mention that a State owned media house shut down a talk show and terminated contract with the talk show host Raju Thapa for asking critical question to Minister's property sources.

- The trend of keeping the Cabinet decisions secret from reporters begun by the government has not only showed non-transparent decision making but also deprived media of their rights to reporting and citizen's right to information.
- Top leaders of ruling parties seemed more intolerant to media freedom creating psychological fear amongst journalists.
- After the security persons, most of hostile elements are the political cadres. It shows that political parties are yet to instruct their followers to respect press freedom and journalists' rights, and develop political culture.

In different violations, 16 journalists were threatened by political cadres and local leaders throughout the country.

- In the name of 'strong government' which is falsely equated to political stability, fear is spread among journalists resulting in self-censorship. Misuse of government power is rampant to control the socio-political environment for its favor and tame people's civil and political rights.

Twelve human rights defenders were arrested from Maitighar Mandala while protesting the government decision to prohibit the place of demonstration.

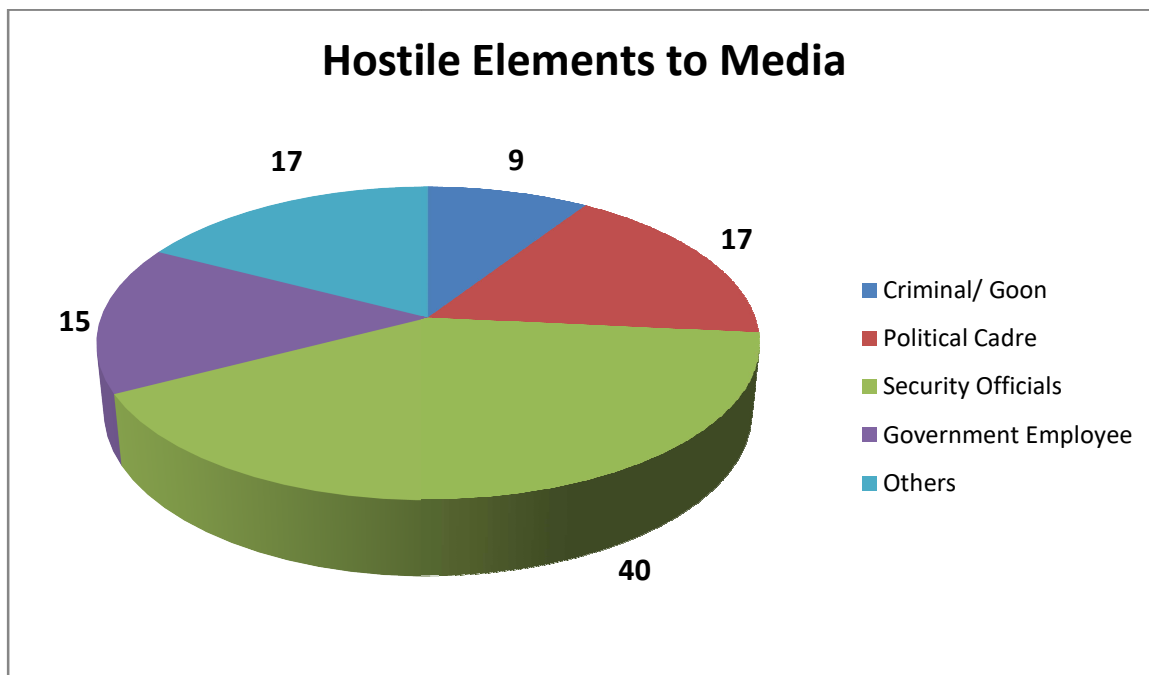
- The drafts of media laws prepared by federal and provincial governments have flawed and problematic provisions but adequate attention to correct these is falling on deaf ear.

- Systematic efforts to control media rights are reflected through other laws such as civil and criminal code, privacy law, and electronic transaction law.

During a year, 4 journalists were detained resorting to article 47 of Electronic Transaction Act (ETA) though the law is not related to media and journalists. In one of the representative case- Raju Basnet, an editor of the khojtalaanews.com, an online news portal was arrested and detained under the ETA for publishing news in the online portal about political leader's collusion with land mafias.

- A total of 52 cases were filed in the court four years back (fiscal year 2070/71 BS) which increased sharply to 104 in the last year (fiscal year 2074/075 BS). Over this period, a total 16 cases were filed for the appeal in the High Court, Patan, in which defendants of 2 cases were acquitted. However, the High Court upheld 13 cases decided by the Kathmandu District Court. In majority of the cases, Sec 47 of the ETA was vaguely used to charge of cybercrime, which was even prominent in the case related to FoE online.
- Government owned media faced strict control over the news stories and contents they disseminate. Pressing these media not to publish the news critical to government was sheer mockery of press freedom.
- Government also reportedly issued a circular to its subordinates not to provide government advertisements to private independent media company.
- Blanket approach to shutdown thousands of websites in the name of 'porn' is likely to deprive people of various information and study.
- Free Expression in social media is under direct threat as more and more people are detained abusing some provisions of ETA.
- There are not any efforts from government side to end impunity on the crimes against journalists.
- Due to the expansion of internet, number of social media users (estimated 9 million Facebook users, 1 million tweet users) has remarkably increased, thereby creating platform to people's views- a healthy exercise of their right to freedom of expression. It is appreciative.

- Another worrying trend is that writers and journalists making criticism to government activities are trolled and lashed on social media. It is not only to create unhealthy digital atmosphere but also to support the elements hostile to media persons and critics. Limiting healthy criticism is the signal of growing intolerance.
- It is positive that with the elections of three layers of governments following adoption of federal system as provisioned by the new constitution, people at the local levels have been empowered with rights and authorities. But, picking journalists by the political leaders as advisors in different layers of governments is likely to negatively impact media professionalism. The doubt is there that misuse of journalists will not only discourage investigative reporting but also create platform for governments and political leaders to keep media houses and journalists under control.
- It is equally worrying that whether journalists willing to serve as a press advisors and consultants to the elected representatives of government from center to local levels maintain media professionalism.



GENDER MATTERS

Out of 223 journalists, 26 female journalists were affected in various incidents that occurred at different parts of the country. Along with press freedom violations monitoring, FF also continued the monitoring of the portrayal of women in Nepali media. The data of 2018 found gradual improvement in women's presence. In the initial months, women presence was dismal which gradually saw improvement.

The FF's gender monitoring desk over the year reveals that out of the total bylines, 9% are by female in print media whereas there are 15% news stories by female in online media. Similarly, among the news sources, 13% in print media and 12% in online media are females. And 22% female write Op-ed articles in the major print media.

POLICY WATCH

- In law and policy front, 2018 year remained dismal. The time after the new constitution could be utilized properly by making laws and formulating policies in line with the constitution and international best practices, sadly, it was the opposite. The laws brought on freedom of expression, press freedom and privacy were against the national charter and international best practices. In the name of protecting privacy of State institutions, the efforts to weaken citizen's privacy were quite alarming. Close scrutiny of laws being formulated by Federal and Provincial government was one of the tasks performed by Freedom Forum in 2018.
- Some provisions of the draft laws were pointed out of the need to be amended to make compatible with constitutional provisions. Feedback was provided on Privacy bill, Press Council bill, Gandaki Province Communication Policy, Province 5 Provincial Policy, Press and Publication Bill, Broadcasting Bill, Province 3 Mass Communication Management Bill, ICT Bill, PSB Bill, Province 1 Broadcasting Bill and some other local bills.
- Similarly, the new codes that replaced decade long Civil Code (Muluki Ain 2020) also had the provision that could easily trap journalists merely for taking photographs. The provisions in the Civil and Criminal Codes were discouraging to investigative reporting.

IMPUNITY PREVAILS

In the impunity front, Nepal has not made progress to address the impunity relating to crimes against the journalists. Even the families of those killed during the armed conflict are still waiting desperately for the justice.

During November 2 program in Kathmandu, referring to the delayed justice, a daughter of slain journalist said, "My father was killed once, but we're feeling that we're killed time and again."

Despite repeated prodding, the State agencies' apathy to address impunity is a serious concern. There has not been any significant progress in the court cases nor the commissions established to investigate the cases related to impunity works for solving the issue. Two commissions- Truth and Reconciliation Commission, and Commission of Investigation on Enforced Disappeared Persons- have not solved a single cases relating to slain and disappeared journalists in Nepal. It is quite harrowing in deed.

Teju Khadka, a journalist associated with Radio Budhi Nanda of Bajura district of Province 7 has gone missing and his whereabouts is still unknown.

CONCLUSION AND FUTURE PROJECTION

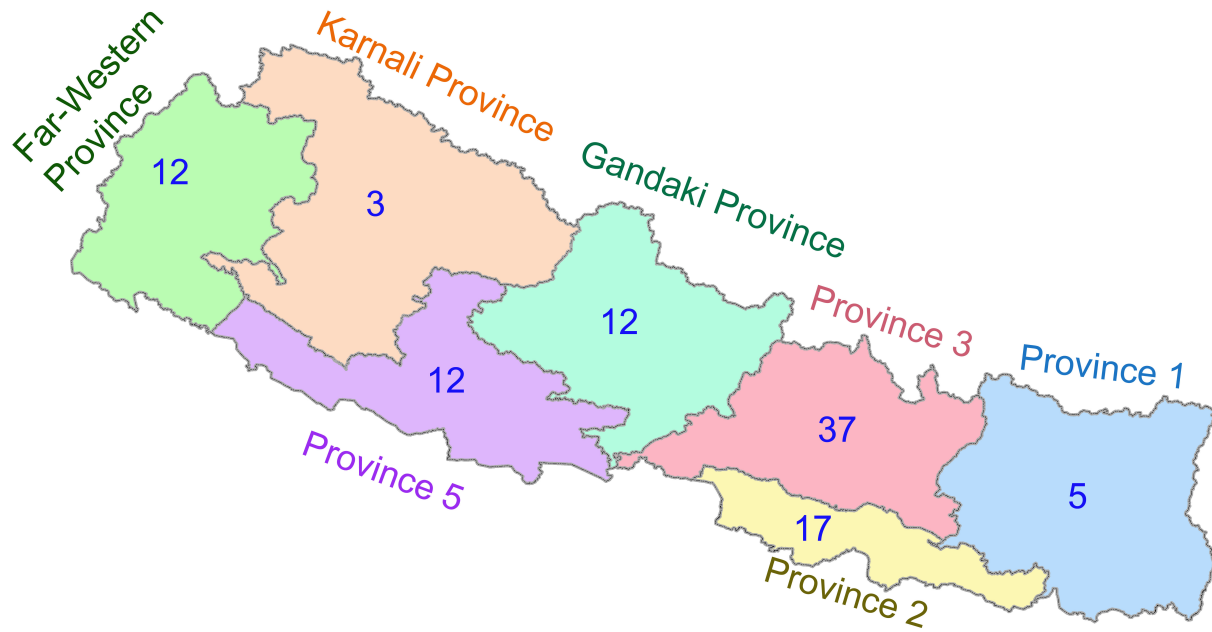
- In view of the pending justice on impunity, the campaign and advocacy on freedom of expression and information and journalists' rights must be continued.
- Respect of press freedom, media pluralism by all levels of governments is imperative.
- Concrete efforts are required to achieve the SDG Goal 10.a and b. National mechanism for safety of journalists is essential, and assessment of RTI implementation is equally important.
- Strong watch over the activities of State agencies is imperative, so that there would not be any efforts that jeopardize freedom of expression, press freedom, right to information and journalists' safety.
- Presence of media must be increased at local level to boost watchdog over the activities there.
- With increased adversity to civic space, media is also to suffer more hostility.
- The more the government become hostile in the name of strong rule, the more the provisions on FoE are tampered, at media freedom at risk

- Capacity building of journalists needs to be continued to ensure media professionalism, so that thorough, comprehensive and investigative reporting would be possible.
- Media are likely to be guided and controlled.
- Spread of guided news and misinformation with political manipulation is likely to grow.
- Healthy criticism and professional reporting will be at stake.

RECOMMENDATIONS

- Government must assure media fraternity that there is a complete press freedom and government should not impose any measures that would affect or limit press freedom
- The law-making process should be open, transparent and consultative.
- Government should immediately instruct police administration not to employ Section 47 of Electronic Transaction Act in the areas of freedom of speech and expression.
- Government media should be allowed to function without any interferences and control
- The journalistic organizations close to political parties must come together and make a common acceptable position on the issue of freedom of speech and expression
- Media houses must boost the morale of journalists with their capacity building and urging them not to resort to self-censorship in their daily works.
- Ending impunity on crimes against journalists must be the top priority of all stakeholders.
- Media literacy and Internet literacy must be enhanced.
- Government should make action plan, devise new laws and amend old one to wipe out faulty provisions on FoE, press freedom.

WHICH PROVINCE, HOW MANY VIOLATIONS?



The End