

# Annual Press Freedom Report

May 3, 2018

## **HOSTILITY CONTINUES TO RISE**

**Freedom Forum**  
Thapathali, Kathmandu

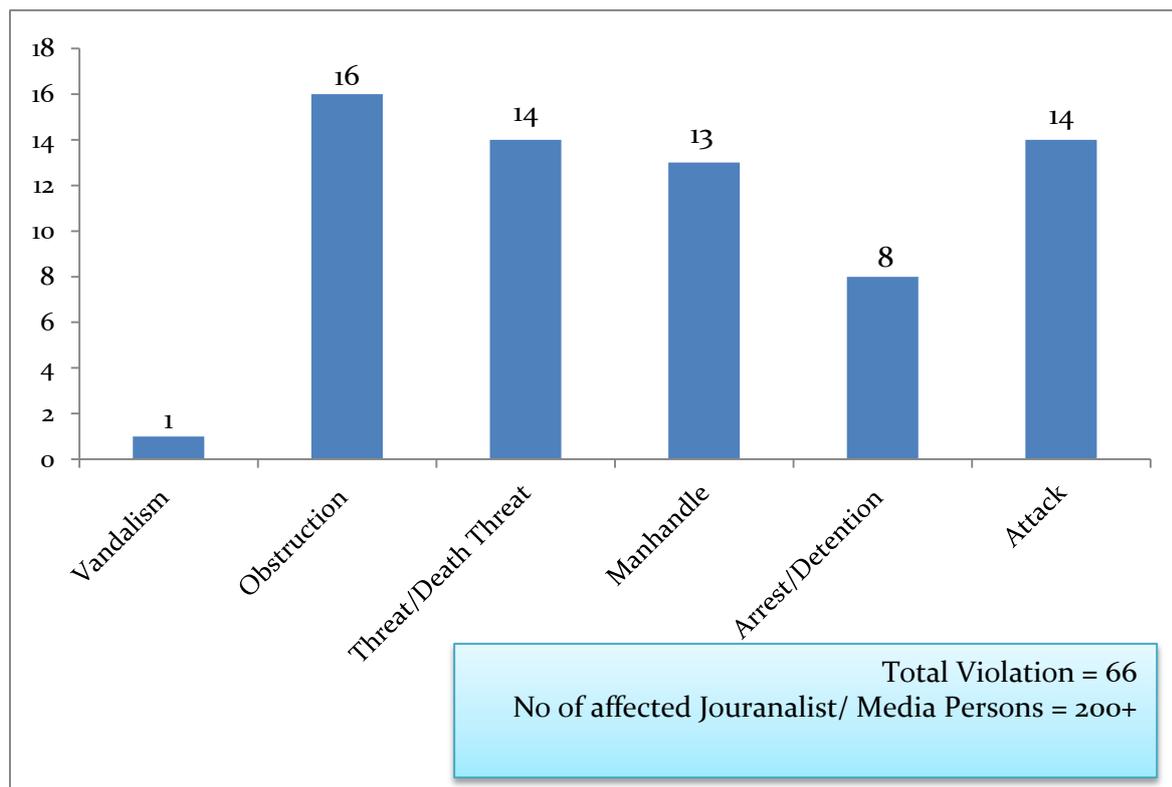
## HOSTILITY CONTINUES TO RISE

The immediate past year (May 2017 to April 2018), Freedom Forum painted the deteriorating status of press freedom in Nepal with the rising number of anti-press incidents. Although the country witnessed a positive political development with the successful conclusion of three-tier of elections – local, provincial and federal, thereby ending the prolonged political transition, the election campaigns coupled with skirmishes among cadres of different political parties and between the political cadres and security persons led to the intimidation to the media freedom. More than **200** media persons were affected with a total of **66** incidents of press freedom violations occurred in different parts of the country this past year. It is more than double the previous year, where there were only 29 incidents of press freedom violation.

The intimidation ranges from attack, arrest, detention, manhandle, threat/death threat to vandalism. Despite transitional legal setup, there was no significant change in media related laws and policy. With the governments in three layers in place, the activities drawing media attention will obviously grow in the coming days, but the lack of awareness among newly elected representatives on legal and constitutional rights.

Categorically, there were 27 cases of attack/manhandle, followed by 16 obstructions; 14 death threats, and 8 arrests. The elections publicity including protests, rallies and other political clashes contributed to the rise in the press freedom violations.

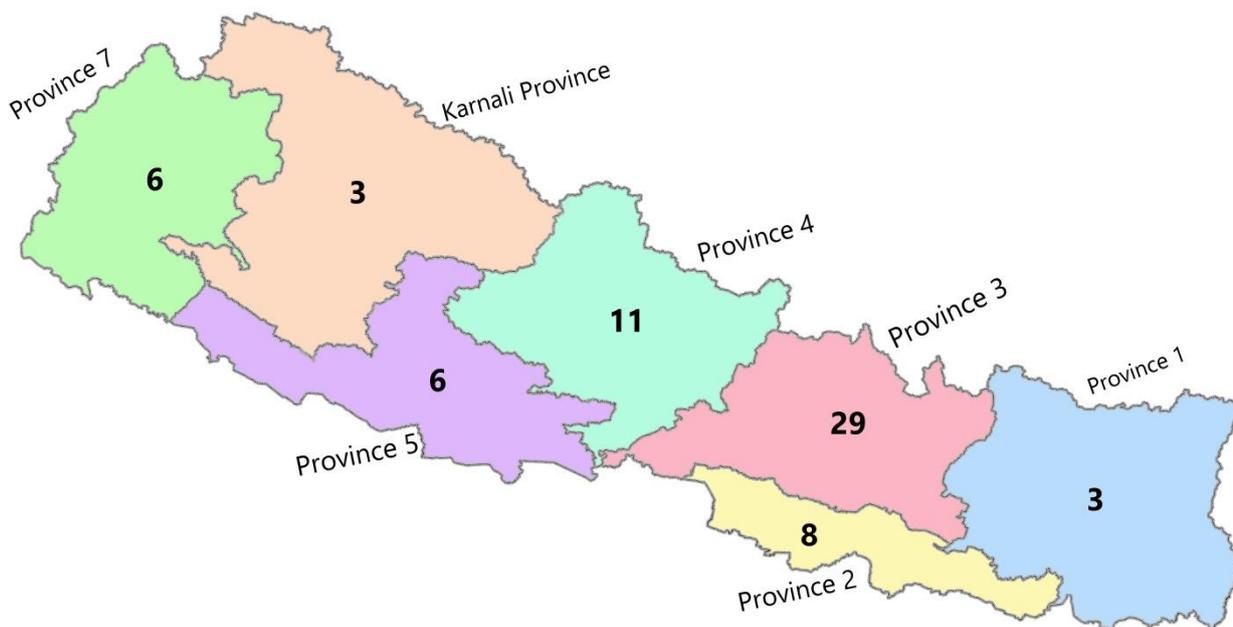
**Figure: I Press Freedom Violation during a year (May 2017- April 2018)**



## SOME TAKEAWAYS

- Among all, Province No 3 recorded the highest number of violations (29), where Kathmandu district alone witnessed 25 incidents. Province No 3 is followed by Province No 4 with the violations numbering 11. Similarly, Province No 2 witnessed 8 violations, while Province No 5 and 7 shared equal number of violations- 6 each. Province No 1 and Karnali Pradesh (Province 6) also had equal number of violations 3 each.

**Figure II: Province wise Incidence of Press Freedom Violations**



- Mainly government employees, political party cadres and security staffs involved in the press freedom violations.
- Most of the violations occurred while journalists were covering public interest issues, irregularities and corruption, political demonstration, elections and vote count, bribe and smuggling.
- With the growing expansion of internet, the number of internet-based news outlets/portals has increased sharply. The latest update on number of such news portal listed by Press Council Nepal is above 1,100. It however may be more in number across the country. Similarly, National Telecommunications Authority has put the internet penetration rate at 63 percent of total populations of the country.
- The hassles between court and media remain prominent this year as well. Filing contempt of court case against the media house and journalist for the published news content had garnered opposing views from media fraternity that put judiciary in controversy and also somehow affected the notion of press freedom.

- Despite efforts from informal sectors, no laudable effort from government side was realized to address the impunity issue for crime against journalist. Thus, impunity against journalist remains the same.
- Ministry of Communication and Information Technology (MoCIT) had created unnecessary hassles to more than 40 FM Radio by denying their renewal. In absence of an independent body to regulate the licensing, Ministry itself was involved in the renewal process of broadcasting sector which gave rise to government interference.

## **POLICY/LAWS**

- **Criminal Code and Civil Code:** In order to make amendment and consolidate all the existing Criminal laws and Civil laws in one document, new criminal code and civil code has been introduced. Although the law itself is appreciable, it has been observed that some parts of the Act such as provisions related to Freedom of Information and Expression, Right to Privacy, Right to communications, press and publication right, among others must be set within the international and constitutional standards. Basically provisions of the sections restricting Freedom of Expression being based on National Security, Privacy, Defamation, Blasphemy, Obscenity and Hate speech need to be reviewed to enable environment for improved free expression.
- **National Mass Communication Draft Bill, 2018:** The draft bill has been consolidated to regulate the entire communications sector in a single umbrella act revoking three existing acts related to communications sectors namely, Press and Publications Act 2048, National Broadcasting Act 2048 and Working Journalist Act 2051 BS. The bill comprises several points which would make mass communication law impractical, unconstitutional and irrational therefore it is recommended to keep the provisions within constitutional standards and uphold democratic practice.
- **Electronic Transaction Act, (ETA) 2008:** The ETA brought in 2008 with the objective of making the financial transaction fair, is frequently used as a major legal instrument to harass the media persons and citizens at large which has restricted the practice of Freedom of Expression and Opinion in Electronic and Internet platform. Hence, Section 47 is not comprehensive and complete to address the present need; thus specific law is needed on this issue.
- Various bills relating to press freedoms as Public Service Broadcasting, Mass Communication, Advertisement, Privacy, Press Council, Cyber Crime, and IT are learnt to be drafted as per the changed setup from unitary to federal system with the governments in three layers. But, apparently, there have not been any discussion and debate among wider stakeholders, thereby creating suspicion and confusion on the important aspect of law making process regarding press freedom.

- Despite several efforts to withdraw the Online Media Directive 2017, no action from ministry and court side has been observed as Supreme Court is reluctant to fix a hearing date for the writ case filed challenging the provisions of the directive.
  - No prominent action to reform Mass Communication Policy 2072 is taken. Reforming the institution and existing laws being based on the policy is only limited to rhetoric since no concrete step has been taken to that end.
- No tangible effort from the government side has been perceived while developing national baseline and targets considering SDG goal 16.10 (1 and 2) for safety of journalists and access to information. Clear national baseline of indicators and targets of goal 16. 10 (1 and 2) should be prepared to realize this goal.

### ***NOTICEABLE INCIDENTS***

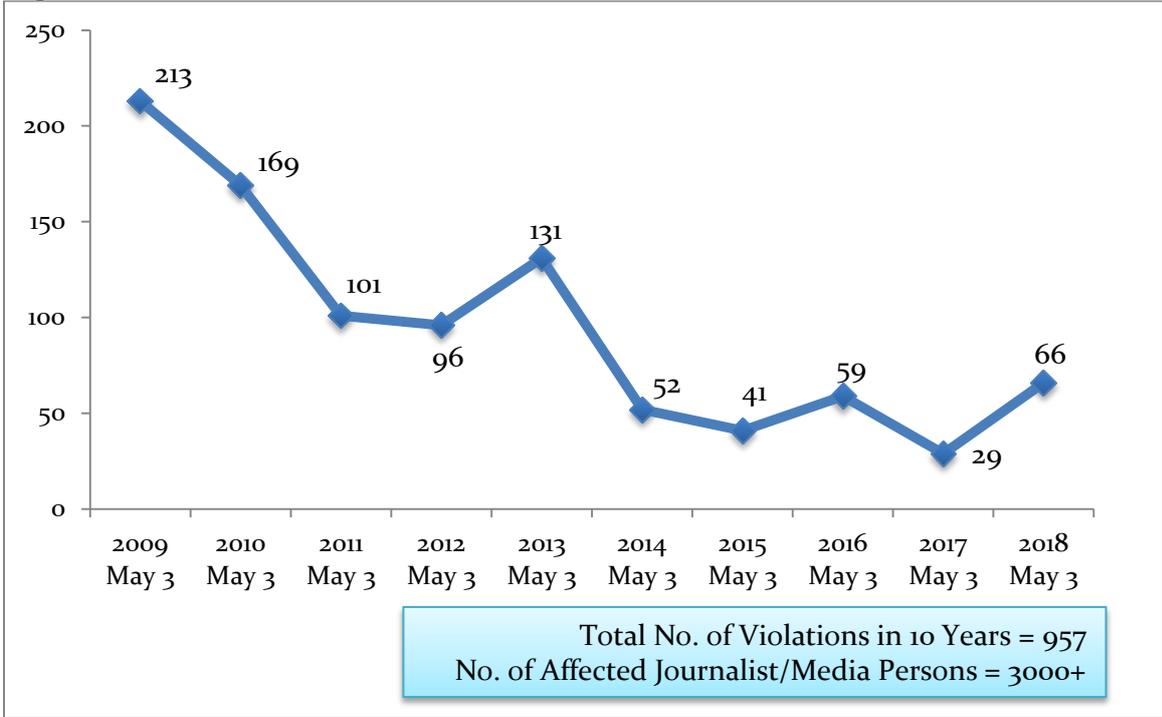
- Reporter to the Nagarik daily, Dilip Poudel, was issued death threat by the Executive Director of State-owned enterprise Nepal Oli Corporation, for writing news on alleged embezzlement of huge amount of public money while purchasing land.
- Reporters for various media were obstructed to cover the news on vote count in Bhojpur district on 29 June 2017. Similar news reports came from different parts of the country.
- Journalists were barred from entering the State-owned Sajha Publications in July 2017 while the Publication was mired in irregularities.
- Some local political cadres vandalized the office of Radio Budinanda 96.5 MHZ in July 2017 at night. Due to vandalism, the media house suffered loss of around Rs 300,000.
- Chief of a Rural Municipality in Sindhupalchowk district spoke foul on journalists for writing news relating to bribe. However, he later apologized.
- Reporter to the Nagarik daily, Shibahari Ghimire, and reporter to the dainikinews.com online news portal Ramhari Karki received threat from a group of people including Chair of local municipality operating illegal sand excavation in Lalitpur district of the Kathmandu Valley on March 31. Four people in two motorcycles followed them while heading to remote Dukuchhap of Lalitpur where the illegal sand excavation was rampant avoiding administration's attention. They threatened why the journalists took photos of the sand mine area and asked to leave the site immediately. Later, the reporters had to seek help from police to rescue. With police escorting, they however managed to take picture of the illegal sand mine.
- To a sheer lack of awareness about citizen's right to information enshrined in the constitution, a people's representative issued death threat to a journalist for seeking information and apologized later, realizing the mistake. The

representative in Lekhnath Municipality-21 of Kaski district manhandled and issued death threat to Pokhara-based journalist Himlal Poudel for seeking information about the activities in the Ward Office. After the police made the ward member aware that the RTI is the citizen's rights, he admitted the mistake.

**OBSERVATION AND FORECAST**

- It is laudable that some people initially issuing threat to journalists have apologized before journalists. Also appreciative is that in some cases, the police have taken right initiative to provide security to reporters and also facilitated to make aware the persons about the journalists' right to free reporting.
- Though few, those attacking and threatening journalists have later apologized before journalists. It can be taken as a positive trend.
- However, at a time when the local democracy is thought to be favorable to media persons, the low level of understanding among newly elected people's representatives is likely to continue tussle. Hence, more interface and dialogue between local representative and media must be promoted.
- As the journalists investigating corruption, crime and irregularities are targeted the most, their safety and security issues therefore must be taken seriously.

**Figure III: Press Freedom Violations in a decade (2008 - 2018)**



- Analyzing decade long press freedom trend post transition, situation of press freedom violation seems improving until 2012. Year 2013 witnessed rise in anti-press incidents due to regional conflict (*Madhesh Aandolan*). The situation seems constant for next four years however 2017-18 witnessed sharp rise in incidents because of the ongoing election. This shows that political activities directly reciprocate the press freedom situation in the country.

## CONCLUSION

- As newly elected government and parliament in federal, provincial and local level are heavily engaged on policy and law formulation this year, there is the need to focus on policy watch reforms in order to ensure enabling legal environment for FoE, free press and access to information.
- In new context, demand for better governance in all level of government is in rise. So, media need to be more investigative and pro-public. This may create more threat in future. Thus, safety of the journalist must be ensured and media themselves must be aware about the threat.

---

### Note (For Details):

- All stories and data presented here are recorded in [www.nepalpressfreedom.org](http://www.nepalpressfreedom.org)
- Download *Free expression*, a newsletter of Freedom Forum at: <http://freedomforum.org.np/content/publications/newsletters>
- **Press Freedom Monitoring Desk:**  
Freedom Forum  
P.O. Box: 24292  
Thapathali, Kathmandu  
Bagmati, Nepal  
Postal code: 44600  
Phone: 977-1-4102022 / 977-1-4102030  
Fax: 977-1-4226099  
e-Mail: [monitoring@freedomforum.org.np](mailto:monitoring@freedomforum.org.np)