



# Free Expression

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A NEWSLETTER OF FREEDOM FORUM

## Need for participatory, FoE friendly cybersecurity policy

Freedom Forum organized a program on 'Human Rights on Internet/Cyberspace' in Kathmandu on November 15, drawing the participation of 36 people from different sectors. Multifarious issues surfaced during the discussion. They were need of digital literacy, promotion and protection of FoE, and privacy, data protection, accountability of ISPs, urgent need of transparency on algorithm used by NTA to filter content, discriminatory digital space, non-participatory policy-making, multi-stakeholders approach to deal with internet issues, amendment of existing laws and policies, access to affordable internet etc.

On the occasion, FF Chief Executive Taranath Dahal highlighted the objective of the program. He said the program was organized to foster debate on human rights on cyberspace in Nepal because the issues surrounding internet and cyber were emerging vehemently in recent time. The program would help provide input to the government to improve the present draft of national cyber security policy. The interface among IT community, rights defenders, government representatives, CSOs, academia and media, among others would function as an important platform to bring to light the pressing issues of internet, he added.

Similarly, human rights lawyer Santosh Sigdel viewed internet carries the values set by UDHR and ICCPR. As FoE is a frontier-less issue, it obviously covers the internet platform tool. The policy relating to internet must be human rights based, he stressed, adding that making of policies relating to internet must be participatory. Citizen's access to and affordability of internet should be major issues because they help ensure FoE online.



Advocate Tanka Aryal viewed human rights should be interpreted in a positive way. Similarly, IT entrepreneur Bibhushan Bista pointed out the need for talking about net neutrality in Nepal too. Time has come to advocate for the rights to property on internet too. "I prefer to say internet facilitates human rights," he observed. Discussion is necessary on what contents should the internet have. Editor Rajan Kuikel viewed how State and people have used internet- positively or negatively should be studied well. Is internet for suppression of rights or promotion of FoE? Let's discuss well, he added.

According to Assistant District Attorney Officer at Kathmandu, Shiluka Lingthep, most of the cyber crimes (95%) were perpetrated against women in Nepal. The most invoked law on cyber crime in Nepal is Electronic Transaction Act. She underscored the need of digital literacy and worried that 'cyber crime' is yet to be formally defined in Nepal. The concerned sectors need to launch and promote cyber literacy, she underscored.

Moreover, Joint Secretary at the Ministry of Communications and Information Technology Anil Dutta informed that the Ministry was receiving inputs on the draft of the national cyber security policy. So, the inputs from this program could help better it, he hoped. "Internet is a tool to which we can use it in any way we want. So, its positive sides should be explored for the benefit," he added. Dutta also informed that IT Bill was pending at parliament for long. "We still have time to amend it," he assured.

According to him, the Ministry had got numerous feedbacks on the draft of national cyber security policy. Data from as many as 101 government agencies were linked to central data base. There is Security Operating System, and 13-member CIRT (Cyber Incident Response Team), Dutta informed. There is a content filtering program at Nepal Telecommunications Authority (NTA). Government is planning to set up cyber security centre as well, he added.

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Message from Executive Chief

# Restore functional democracy



**T**his past year, 2021 remained a year of global panic as was the previous year. In addition to the adversity caused by Covid-19 pandemic in health conditions, Nepal witnessed tumultuous political situation which posed several threats to democracy. Despite having majority in parliament, then ruling Nepal Communist Party failed to work constructively to uphold democratic values, rather involved in the political bickering and intra-party haggling. The ego of leaders within this party not only contributed to the party split but also ruined the internal democracy. In cahoots with the President, Prime Minister KP Sharma Oli of the communist party dissolved the lower house- House of Representatives- twice which led to increasing undue influence on the democratic institutions. The executive continued suppressing the institutions attacking core principles and values of constitution promulgated just six years back. This not only endangered democracy but also dented economic progress, and badly slowed the implementation of federalism. Openness and liberal values required to propel democratic process and implementation of federalism were at the receiving end.

This past year remained bleak also from the lens of freedom of expression- no favorable laws and policies were formulated, but faulty laws made from local to provincial levels. Importantly, the federal government failed to correct the implementation of laws and policies adverse to freedom of expression and information, and press freedom formulated at the local and province levels. Similarly, the annual media report, 2021 showed decline in the violation of press freedom, but the atmosphere is still hostile. The report has further showed that 40 percent of the violations occurred against the internet-based media including journalists.

Furthermore, the media industry, hit hard by the pandemic, could not receive any kind of relief and support although political parties and leaders made verbal commitments. Job loss by journalists continued this year too. It resulted into job hopping, diminished reporting on issues of public concerns. Similarly, some journalists' role limited only to dissemination of formal information. The watchdog role of journalism eroded much during the crises. Its result could be seen in thriving corruption, weakening rule of law and eroding credibility of free media.

As we are welcoming New Year 2022, Freedom Forum wishes to get rid of those disappointment, despair, disorder and doom. May this New Year bring new enthusiasm and hope among us with strengthened democracy, human rights and press freedom. May the demand of protesting lawyers be addressed, rule of law prevail, Nepal's journey to open and transparent society be secured. We also wish for the press and civil society to take a lead to build a robust atmosphere ensuring civil rights and fundamental freedoms.

In order to keep the democracy functional, democracy within political parties is imperative. Although the elections in the major political parties, which reelected new working committee and party leadership, were expected to contribute to this, no noticeable endeavors have been witnessed so far to this regard. So, how party leaderships will work for the party and national democracy is under scrutiny.

The political environment needs immediate improvement. It should build consensus and collaboration among all sides to deliver well to the public. It is worrying that although the communist government is replaced by the democratic party, Nepali Congress, now, efforts to constructive political dialogue and development and effective functioning of the parliament is still elusive. The restoration of the House of Representatives for both times paved a way to replace the authoritarian government and restored hope among the democratic fraternity. However, taking hostage of parliament is quite inappropriate. It has stalled dozens of bills that are in need of thorough discussion and passage.

Moreover, this coming year, Nepal is going to have second round of general election for all three tiers of government -federal, province and local level. Hence, Freedom Forum wishes a step ahead for the success of Nepal's democratic journey through free and fair elections.

As in the past, Freedom Forum is committed to continue its role as a watchdog, monitor, advocate, facilitator, researcher, and reformist. May our path with contribution to enabling environment for free expression and press freedom become more robust along with valuable cooperation and trust of our well-wishers, colleagues and collaborators. **HAPPY NEW YEAR 2022!** 🍀

- Tara Nath Dahal

# Election Commission reminds on RTI

The National Information Commission (NIC) wrote a letter to the Election Commission Nepal ordering it not to create any hassle to the citizens while registering right to information applications as per RTI Act.

Earlier, Aditya Dahal, on behalf of FF, had appealed to the NIC, complaining about the registration procedure at the Election Commission which requires the signature of the authorized person of the commission before registration of RTI application.

"Such procedure of approval before registration of the RTI request has caused trouble in requesting and seeking information because we have to search and wait for the officer to sign on the application which is time-consuming and full of hassle", said RTI activist Dahal.

Claiming that the procedure of approval is non-scientific and against the norms of RTI Act which guarantees each and every citizen's right to request information at public offices, NIC on its September 23, 2021, decision stated that the public agencies should be citizen-friendly, thereby ensuring effective service delivery. Furthermore, in another decision, the NIC reminded the public bodies on fee to be charged on information seeking as per RTI Act. The decision reads: The NIC has learnt about confusion surfacing on the fee of information provided to the citizens for their RTI request, to which, the Commission orders the public bodies to provide information up to ten pages for free and for more than ten pages the fee should be as stated in the guideline.

## NIC penalizes office chief for violating RTI law

FF welcomes the National Information Commission's decision to punish Principal of a public college for declining Right to Information request in Kathmandu on October 10.

According to the decision made by NIC, Principal of Padma Kanya College Dhana Prasad Pandit will be penalized worth Rs. 15,000 for violating the Right to Information law. The decision reads- NIC had repeatedly ordered the college authority to provide information as requested using RTI on the basis of appeal registered at NIC by information seeker Aditya Dahal but the college chief ignored NIC's order. Hence, it has decided to penalize Principal Pandit as per the provision mentioned in the Right to Information Act 2007.

Earlier, Aditya Dahal on behalf of Freedom Forum had requested information demanding certified copies of internal and external audit reports of fiscal year 2016/17 and 2018/19 of the college. After the information officer and college's Principal refused to give information Dahal had registered an appeal against the information officer and Principal at NIC on January 6, 2021.

The decision is expected to be a good lesson to the public authorities who violate constitutionally guaranteed citizen's right to access to information. NIC's order and action will certainly contribute towards building informed citizenry in Nepal. 🍀

# Press Freedom Violations



## Bagmati Province

### Harassment

A complaint was filed at District Administration Office, Kathmandu against a reporter at Headline Media, Sanjeeb Regmi, on September 8 following the news he aired on a fraudster.

Reporter Regmi had aired news featuring a fraud case involving a local Sagar Thapa. Police arrested Thapa after the news. Since then, Regmi had been receiving threats of physical attack through phone calls, messages and social media pages.

In addition to this, Thapa's wife has allegedly lodged a 'fake complaint' against Regmi at Kathmandu DAO on the basis of which police is searching Regmi to arrest him.

### Manhandle

**A.** Reporter with [www.nepalpress.com](http://www.nepalpress.com), Umesh Karki, was manhandled by political cadres while reporting in Kathmandu on October 4. Kathmandu is the federal capital of Nepal.

Talking to Freedom Forum by telephone, reporter Karki shared that he was reporting on the national conference of the All Nepal National Independent Students' Union (Revolutionary), the student wing of the CPN (Maoist Center) during a press meet at around 4:00 pm. The cadres suddenly started shouting slogans and vandalizing the conference hall owing to the internal dispute.

"While I was recording the incident, a group of cadres pushed me, seized my mobile and camera, and deleted the footage. They also took pictures of my press ID CARD and threatened me not to publish news about them or bear consequences", he added. Thereafter, Karki returned with incomplete coverage of the program. However, the reporter published short news of the incident on the news portal.

**B.** Newspaper distributor at Himalaya Times national daily Nhuchhe Ram Khusu was manhandled while distributing newspapers at a public office in Bhaktapur on December 28. Bhaktapur lies in Bagmati Province.

The daily reported that distributor Khusu reached office of the Council for Technical Education and Vocational Training (CTEVT) to distribute the newspapers. As he handed the newspaper to the Member Secretary at the

Council, Jeev Narayan Kafle, fumed with anger, abused Khusu and media house verbally after reading news about him.

Following this, Khusu provided the contact number of his office to Kafle to talk on the issue but Kafle took Khusu under control and ordered his staffs to collect all the distributed newspapers.

The staffs also tried to seize the newspapers from the vehicle but Khusu stopped them. "I am just a junior staff at the office, I even do not know what the news is about so what is the point in locking me in the room!", the daily quotes distributor's Khusu as reacting.

### Death threat via Facebook

Reporter at a news portal, [www.saheekhabar.com](http://www.saheekhabar.com), Sitaram Adhikari, was issued death threat for his reporting in Dhading on October 19. Dhading is the neighbouring district of federal capital, Kathmandu.

Reporter Adhikari had published a news story entitled 'rural municipality chief fled the program venue', claiming a local youth club's members protested against the municipality chief and intervened the program.

After the news was published on the online, Youth Association Nepal's central member Hemanta Bhandari wrote an abusive social media post against the reporter and shared it with more than 30 people along with life-threatening messages to the reporter Adhikari. 🌿

## Newspaper article removed from online version for 'critical opinion'

An article critical of the ruling government was deleted from a State-owned newspaper's online version on December 7. The newspaper, Gorkhapatra daily, is run from the federal capital of Nepal, Kathmandu.

The article entitled- Expectations from Nepali Congress' general convention (in Nepali language) – was written by Ghanashyam Bhatta and published on both print and online versions of Gorkha-

patra national daily on the same day.

The article was removed from the online news portal [www.gorkhapatraonline.com](http://www.gorkhapatraonline.com) after few hours of the publication. On this, author Bhatta posted a status on his Facebook stating- the article was deleted due to political pressure, Poor democracy! His article was about the general convention of the ruling political party Nepali Congress and its leadership.

Removal of the article from the news site is sheer violation of press freedom and serious exploitation of the media. Criticism of politics, government and leadership is an exercise of freedom of speech, so deleting the opinion article from media shows anti-press activity. The government is urged to build tolerance and protect press freedom for sustainable democracy. 🌿

## Obstruction

**A.** Security persons obstructed a group of journalists from reporting at the Supreme Court on November 15 in Kathmandu. Journalists who entered the court premises to report on the ongoing peaceful protest of Nepal Bar Association were barred forcefully by the security persons from reporting. The Association has been staging protests at the court for a month, demanding resignation of the Chief Justice.

Nepal Police did not allow journalists to report even after showing their press cards issued by the court, said special correspondent at Onlinekhabar.com, Krishna Gyawali. The onlinekhabar.com is one of the leading online news portals of Nepal.

**B.** Nepal police obstructed photo journalists from reporting a leading political party's general convention for an hour in Kathmandu on December 13. Kathmandu is the federal capital of Nepal. Talking to Freedom Forum, photo journalist at www.deshsanchar.com, Barsha Shah, who was also present at the Nepali Congress Convention site,

shared that police officers on duty obstructed their entry into the polling station, reasoning lack of space and security of the leaders.

“Earlier, we were allowed to take pictures and videos of senior leaders’ voting but this time we were not only barred from reporting but also misbehaved by the police persons on duty with an order from the election committee”, she said.

We were not allowed to report on the voting by party president Sher Bahadur Deuba, who is also one of the candidates vying for the post of party president. In response to this behavior, more than a dozen of photojournalists put their camera down for an hour. Later, election officer Gopal Krishna Ghimire made an apology for misbehavior towards journalists and then, the situation was normal, informed Shah.

**C.** Journalists were barred from reporting ministers’ oath-taking ceremony in the office of Bagmati Province Chief, Hetauda on December 14. Hetauda lies in the Bagmati Province of Nepal. Freedom Forum’s representative for Bagmati Province, Ram Mani Dahal informed that only journalists from state-owned media

were allowed to enter the hall where newly appointed ministers were taking oath.

Despite repeated requests of the journalists, those from private media were left outside the office gate till the end of the program, complained senior journalist Dahal. Earlier in September 2021 too, the province assembly had barred journalists from entering the assembly for reporting.

**D.** A group of journalists were barred from reporting a parliamentary meeting on December 21. Six journalists regularly reporting on the parliamentary affairs were not allowed to enter the space for reporting yesterday in the federal capital Kathmandu. Senior journalist at Kantipur national daily, Makar Shrestha said, “The parliamentary meeting was scheduled for approval of two ordinances which lasted for 26 minutes. Earlier we used to report on the meetings in the gallery of meeting hall but this time they asked us to watch the meeting on the screen for reporting.” When asked they said that it was an order from higher officials, Shrestha further informed. 🌱

\* No incidents of press freedom violation was recorded in provinces 1,2, Gandaki, Karnali and Far-west.

*Best wishes to you & your family  
for happiness, peace & prosperity on the auspicious occasion of  
Happy New Year 2022*



FREEDOM FORUM & FAMILY

## RTI Nepal app

Freedom Forum developed and launched the RTI Nepal application in the late 2017. Since then, the application has been very useful and handy tool for the journalists and general public to learn about citizen's right to information and its legal as well as practical provisions. The application not only contains useful information regarding what is RTI and how it can be used to seek public information at the public authorities; but also recent news, views, success stories and podcasts on RTI and its importance to hold public authorities transparent

and accountable. The application is available in application store of both android and ios version mobile phones. The application, which is downloaded more than 1000 times, contains more than 1000 news and articles and 15 podcasts related to RTI and its practices in Nepal. During these three months (October to December 2021), eight news, four opinion articles and three podcasts related to RTI were featured on the application. The news and articles on RTI published on the national media are featured on the application.



# Lumbini Province

## Arrest warrant

Correspondent at Radio Shringeshwor of Gulmi, Bhuwan Bhusal, was issued an arrest warrant on charge of 'cybercrime' on September 26. Gulmi lies in Lumbini Province of Nepal.

Bhusal shared with Freedom Forum that he had reported on a local issue on the radio program and updated related videos on his online media Desh Darshan channel.

"After the news airing and update on online media, police reached my residence with the arrest warrant on September 27 and informed that the arrest warrant was issued on the basis of a complaint filed over news reporting at the police station on April 2021," Bhusal added.

After hearing of the case at Kathmandu District Court on October 3, the court ordered Nepal police to release Bhusal on a bail amount of Rs. 50000.

## Attack

Reporter with Lumbini Television and Butwal FM Dinesh Gyawali was attacked while reporting in Butwal on October 10. Butwal lies in Lumbini Province of Nepal.

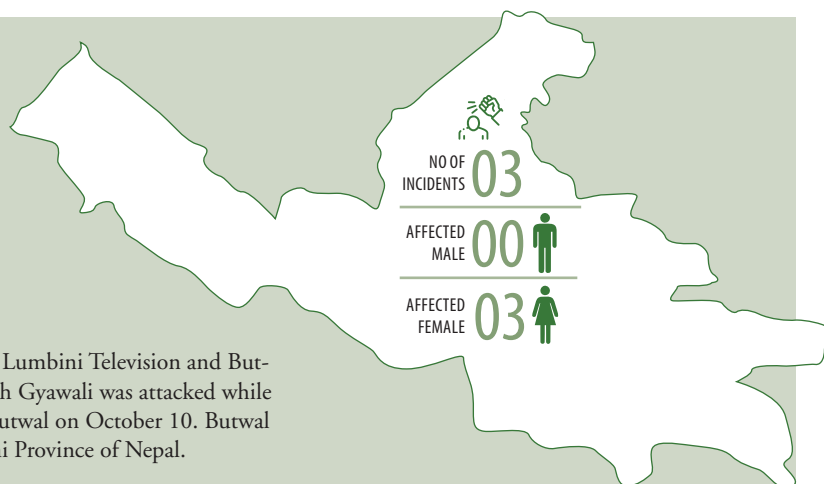
Reporter Gyawali was attacked while reporting on conflict among local protestors and policepersons in the industrial area of Motipur, Butwal.

The protestors attacked Gyawali even after he showed his press identity card and said that he was a journalist.

"I tried to escape the attack but fell down; meanwhile, two other protestors rescued me. I also lost my mobile in the incident", he shared with Freedom Forum.

Neither police persons nor the protesting locals cooperated with reporting, added Gyawali.

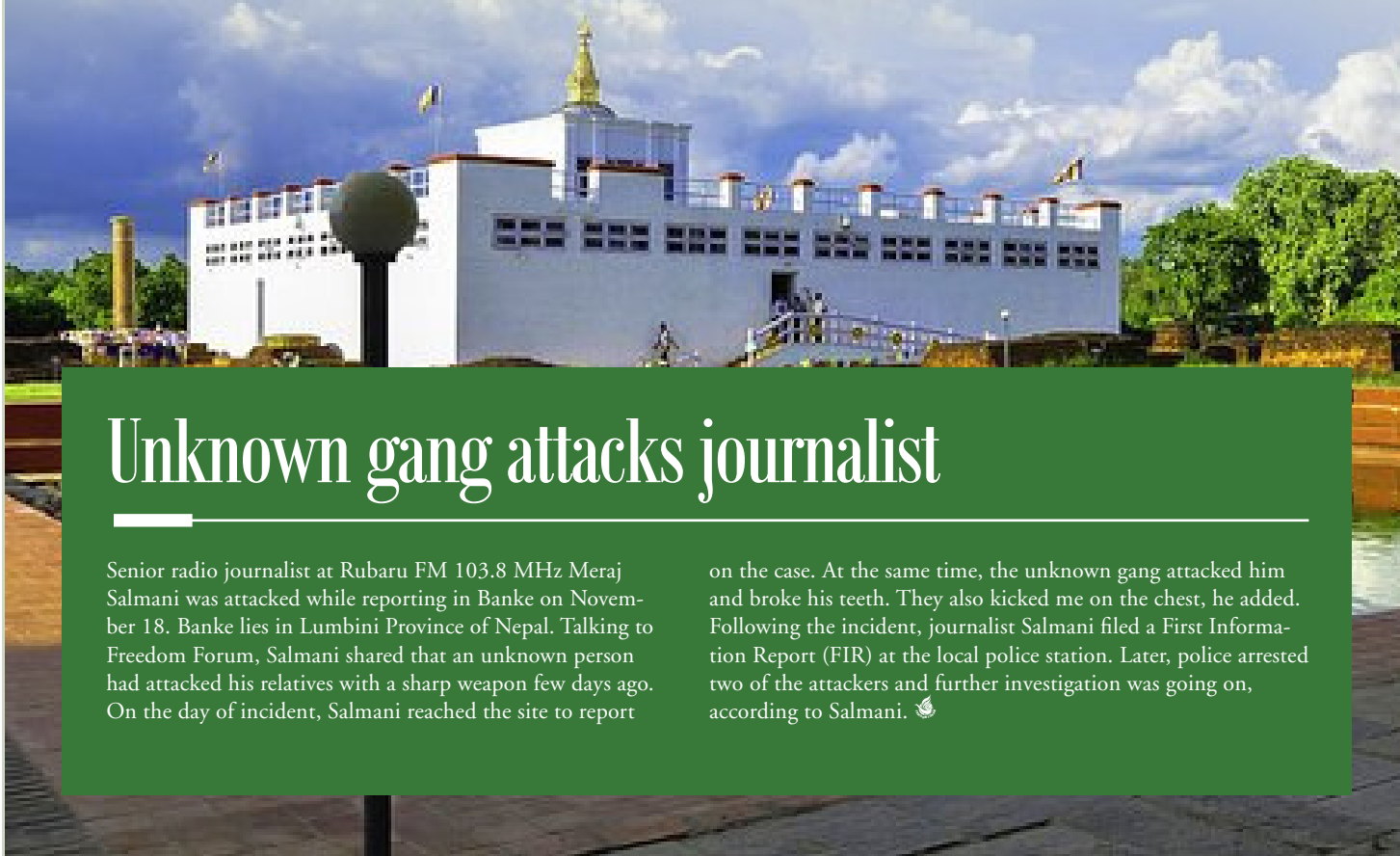
Reporter Gyawali had sustained injury on his head and hands. He received treatment at a local hospital. 🌿



## Unknown gang attacks journalist

Senior radio journalist at Rubaru FM 103.8 MHz Meraj Salmani was attacked while reporting in Banke on November 18. Banke lies in Lumbini Province of Nepal. Talking to Freedom Forum, Salmani shared that an unknown person had attacked his relatives with a sharp weapon few days ago. On the day of incident, Salmani reached the site to report

on the case. At the same time, the unknown gang attacked him and broke his teeth. They also kicked me on the chest, he added. Following the incident, journalist Salmani filed a First Information Report (FIR) at the local police station. Later, police arrested two of the attackers and further investigation was going on, according to Salmani. 🌿



## Impunity Update

# Karnali Province

## Life imprisonment to fled murderers of journo Dekendra Thapa

District Court Dailekh delivered its verdict of life imprisonment to the murder convicts of journalist Dekendra Thapa on December 12- after seventeen years of incident. Dailekh lies in Karnali Province of Nepal.

The court delivered the verdict ordering the convicts Bam Bahadur Khadka from Katti, Bam Bahadur Khadka aka 'Arun' from Chhiudipusakot and Keshab Khadka; each for twenty years of life imprisonment and another convict Bhaktiram Lamichhane for three years of imprisonment.

Earlier, District Court Dailekh had delivered verdict on December 7, 2014 to arrest nine perpetrators involved in the murder, among

which, five- Lachhiram Gharti Magar, Bir Bahadur KC, Nirak Bahadur Gharti Magar, Harilal Pun Magar and Jay Bahadur Shahi were arrested on January 1, 201

While others have served their jail terms, two Harilal Pun Magar and Jay Bahadur Shahi fled before completing their jail term and were rearrested on December 15, 2020 and February 6, 2021 respectively.

According to Freedom Forum's report, Journalist Thapa was abducted and buried alive after 45 days of abduction by then CPN-Maoist cadres on August 10, 2004. After four years of murder, his body was discovered and final rites were observed.

Although it is late, the court verdict has addressed long-entrenched impunity for crimes against journalists and provided justice to the victim families. The concerned authorities are urged to address to the other pending cases of impunity against journalists. 🌱

Slain Journo Thapa



Arrest of Lachhiram Gharti Magar,  
File photo, (Photo Credit: Getty Image)

## Document

# 2021 joint declaration on politicians and public officials and freedom of expression

**T**he United Nations (UN) Special Rapporteur on the Protection and Promotion of Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information have jointly issued a declaration on politicians and public officials and freedom of expression in a bid to promote the rule of law, protect human rights, media freedom, and intercultural understanding, and to ensure public trust in democratic systems of governance.

The declaration was issued on 20 October 2021, after discussing together with the assistance of ARTICLE 19, Global Campaign for Free Expression, and the Centre for Law and Democracy (CLD).

It was issued by noting the essential role played by freedom of expression and the right to information in fostering the free flow of information and ideas in society, and enabling people to participate in debate about matters of public interest, including politics, and to access a broad range of opinions, thereby strengthening democracy, respect for all human rights and sustainable development.

Similarly, it has stressed the respect for freedom of expression and the right to information are

essential for everyone to receive, debate and form and share opinions, as well as for politicians and public officials to communicate their ideas and proposals to the public;

It kept in mind the 2020 Joint Declaration on Freedom of Expression and Elections in the Digital Age, which had set out key standards for States, media and other non-State actors in relation to elections.

It has highlighted that the full realization of freedom of expression and the right to information requires, on the one hand, strong protection for open and inclusive debate about matters of public interest and, on the other hand, acceptance by politicians and public officials that, by virtue of their positions, their official conduct and certain aspects of their private lives are legitimate objects of close public scrutiny and strong criticism.

The Joint Declaration mentioned that it was alarmed by the harassment, threats and high level of violence committed with impunity against journalists, right to information activists, human rights defenders and others for exercising their right to freedom of expression, especially in cases where these individuals expose corruption or

report on other forms of wrongdoing, including by politicians and public officials;

Concern has been expressed over the growing incidence of online and offline "hate speech", disinformation and dangerous rhetoric against and scapegoating of the media, human rights defenders, and groups at risk of discrimination, including by politicians and public officials, which chills freedom of expression, thereby reducing the diversity of information and ideas in society and misleading citizens;

It has further acknowledged that politicians and public officials play an important role in shaping the media agenda, public debate and opinion and that, as a result, ethical behaviour and attitudes on their part, including in their public communications, is essential for promoting the rule of law, the protection of human rights, media freedom and intercultural understanding, and for ensuring public trust in democratic systems of governance.

The increase in public communications by some politicians and public officials is denounced by the declaration arguing that they are intolerant and divisive, deny established facts, attack journalists and human rights

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defenders for exercising their right to freedom of expression, and seek to undermine democratic institutions, civic space, media freedom and human rights, including freedom of expression;

Observed by the declaration is that States have a positive obligation to create an enabling environment for freedom of expression and the right to information, including by fostering media independence and diversity as a key means of promoting robust, open debate about matters of public interest, and by adopting rules that ensure public transparency and accountability of public actors;

“Cognisant that international human rights standards require everyone, including politicians and public officials, to refrain from advocacy of hatred that constitutes incitement to violence, hostility or discrimination, while moral imperatives call on them to speak out firmly and promptly against intolerance,” it stated and adopted, on 20 October 2021, the 2021 Joint Declaration on Politicians and Public Officials and Freedom of Expression.

With this in the background, the Declaration has made the following recommendation to the States:

- Recognise, in law, policy and practice, the special imperative of providing a high level of protection to political speech, including speech which many may find unduly critical or even offensive.
- Take effective action to prevent attacks on journalists and others in retaliation for exercising their right to freedom of expression, including where this involves political speech, to provide protection to those who are at risk of such attacks, to investigate such attacks when they do occur and to prosecute those responsible, so as to end the culture of impunity for such attacks.
- Ensure that all bodies which have regulatory powers over the media and all public bodies which facilitate freedom of expression are independent of politicians, public officials and commercial players, are accountable to the public and operate transparently.
- Support robust media and information literacy (MIL) programmes, aimed at all segments of society, including with a focus on promoting participation in political affairs and equipping people with knowledge, awareness and skills to understand and contextualize political communications.

- Never engage in or finance coordinated inauthentic behavior or other online influence operations which aim to influence the views or attitudes of the public or a section of the public for party political purposes.

The recommendations were made with the general principles that are based on States’ obligation to ensure that any restrictions on freedom of expression comply with the international law test for such restrictions and their positive obligation to create an enabling environment for freedom of expression and of the media, and the right to information.

Similarly, Protection of Political Speech and Speech on Other Matters of Public Interest is another principles set here to ensure the highest possible level of protection for political speech and speech on other matters of public interest, including through the media and digital communication platforms, especially in the context of elections, where the unhindered exercise of freedom of expression by parties and candidates has particular significance.

Based on this the States have been further recommended to

- Ensure that any restrictions on freedom of expression are fully in line with the three-part international law test for such restrictions, namely that they meet the requirements of legality, legitimacy of aim and necessity, and do not discourage robust public debate about matters of public interest.
- Abolish any criminal defamation laws and replace them, where necessary, with appropriate civil defamation laws.
- Repeal any defamation or *lèse-majesté* laws which provide special protection to or

provide for greater penalties for statements directed at heads of State or government, politicians or officials.

- Ensure that civil defamation laws conform to the following standards, among others:
  1. Provide greater protection for speech about politics and other matters of public interest, including by requiring politicians and public officials to tolerate a higher level of criticism than ordinary
  2. Ensure that damages awards are proportionate taking into account all of the circumstances and are not so large as to exert a chilling effect on freedom of expression.
  3. Ensure that courts have the power, either at the request of the defendant or on their own motion, to dismiss, in a summary fashion at an early stage of the proceedings, defamation lawsuits involving statements on matters of public interest that do not have a realistic chance of success (Strategic Lawsuits Against Public Participation or SLAPPs).
  4. Ensure that appropriate defences are available to defendants in defamation cases involving statements on matters of public interest so that they do not bear strict liability for inaccurate statements of fact, such as the defence of “reasonable publication”.
  5. Ensure that laws protecting privacy include limitations so that statements about matters of public interest will not be liable where, on balance, the benefits of the statement being made outweigh the harm to
  6. Ensure mechanisms, such as systems of accreditation, are in place so that journalists



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can freely access locations (such as parliament) and events (such as press conferences) to gather information on matters of public interest for purposes of reporting them to the general public, which conform to the following standards:

- They are independent and non-discriminatory in nature, including on the basis of political opinion.
- Allocation and any withdrawal of accreditation is based on justifiable, objective criteria and not on the editorial or critical position or independence of a journalist.
- Limits on accreditation are based on justifiable, objective criteria, such as limited space at the venue, and respect and facilitate diversity.
- Repeal or refrain from adopting general prohibitions on the dissemination of inaccurate information, such as false news or “fake news” laws, and respect the following standards in relation to disinformation and false news:
  - Adopt policies which provide for disciplinary measures to be imposed on public officials who, when acting or perceived to be acting in an official capacity, make, sponsor, encourage or further disseminate statements which they know or should reasonably know to be false.
- Ensure that public authorities make every effort to disseminate accurate and reliable information, including about their activities and matters of public interest.

## About the Media Independence and Diversity, the declaration mentioned:

Taking into account the importance of media diversity in ensuring that a wide range of information and ideas, including on matters of public interest, is available to the public, including information of relevance to women, persons with disabilities, national minorities and other groups at risk of discrimination, States should:

- Ensure the presence of independent, adequately funded public service broadcasters.
- Respect the editorial independence of all media in both law and in practice.



“Cognisant that international human rights standards require everyone, including politicians and public officials, to refrain from advocacy of hatred that constitutes incitement to violence, hostility or discrimination, while moral imperatives call on them to speak out firmly and promptly against intolerance,” it stated and adopted, on 20 October 2021, the 2021 Joint Declaration on Politicians and Public Officials and Freedom of Expression.



- Ensure that the allocation of advertising by public authorities is not used as an indirect means of influencing media content.
- Ensure that effective rules are in place to prevent undue concentration of ownership for all media sectors, in line with international standards in this area, including effective oversight of these rules, for example by relevant regulators.
- Ensure that effective rules are in place which requires media outlets, telecommunications operators and online intermediaries to be transparent about their ownership and sources of funding, including where media outlets are owned by political parties or politicians.
- Limit any requirements for media outlets to register and/or obtain a license to what is necessary to ensure the appropriate operation of the media sector concerned, so as to limit the risk of political interference in the media.
- Consider putting in place fair, transparent and independent subsidy or other financial support arrangements for the media, based on the idea that the provision of diverse, quality news and current affairs content is a public good.
- Adopt laws in line with international human rights standards guaranteeing the public’s right to access information held by public authorities and implement those laws properly, as called for by UN Sustainable Development Goal Indicator 16.10.2.
- Require all elected officials, candidates for elected office and senior public officials to make asset declarations and ensure that independent oversight bodies have the power to take effective action where these disclose conflicts of interest; where this is justified in the public interest; such asset declarations should be publicly accessible.

**About the “Hate Speech”, the joint Declaration state:** given the harm done by “hate speech”, including to the ability of its targets to exercise fully their right to freedom of expression and to participate in political activities, States should:

- Prohibit by law any advocacy of hatred that constitutes incitement to discrimination, hostility or violence, in accordance with international law.
- Undertake a range of activities – including education and counter-messaging – to combat intolerance and promote social inclusion and intercultural understanding.

The Joint Declaration has recommended the Political Parties, Politicians and Senior Public Officials that:

- Political parties should adopt and enforce measures, such as codes of conduct, which set minimum standards of behavior for their officials and candidates for elected office, including to address speech that promotes intolerance, discrimination or hatred, or constitutes disinformation which is designed to limit freedom of expression or other human rights

- Political parties should consider introducing or participating in cross-party initiatives aimed at countering intolerance, discrimination and dis/misinformation, and promoting intercultural understanding, social inclusion and respect for diversity.
- Politicians and public officials should not make statements that are likely to promote intolerance, discrimination or dis/misinformation and should, instead, take advantage of their leadership positions to counter these social harms and to promote intercultural understanding and respect for diversity.
- When conducting press conferences, politicians and public officials should treat participants with respect and ensure that they have an equitable opportunity to pose questions.
- Politicians and public officials should not intentionally make false statements attacking the integrity of journalists, media workers or human rights defenders.

Moreover, the following recommendations are made for Social Media Companies:

- Ensure that their content moderation rules, systems and practices reflect international human rights standards including the importance of open and inclusive debate about matters of public interest, and elaborate clearly when, how and what measures may be taken against content posted by politicians and public
- Adopt rules indicating whether political advertisements will be published on their platforms and, if so, ensure that the rules are clear, fair and non-discriminatory, require political advertisements to be labelled as such, and require public disclosure of who paid for advertisements, how advertising operates, and who is targeted by it and why.
- Where political advertisements are published, maintain a publicly accessible archive of them.
- Introduce systems that allow users to opt out of being targeted by political advertising or having their personal data used for targeting of political advertisements.
- Promote the maximum possible transparency in relation to their content modera-

**Observed by the declaration is that States have a positive obligation to create an enabling environment for freedom of expression and the right to information, including by fostering media independence and diversity as a key means of promoting robust, open debate about matters of public interest, and by adopting rules that ensure public transparency and accountability of public actors.**

tion rules, systems and practices, especially where these affect public interest content or content posted by politicians and public

- Taking into account their size and market dominance, ensure that their content moderation rules, systems and practices respect basic due process principles, including by providing independent dispute resolution options, ideally overseen by independent multi-stakeholder
- Taking into account their size and market dominance, including in any particular political jurisdiction, ensure that their content moderation systems and practices take into account local languages, traditions and

In this connection the Social Media Companies have been reminded their key role in enabling, facilitating and moderating public debate, including about politics and other matters of public interest.

Similarly, the Media have been recommended to take effective steps to ensure that they are subject to complaints systems, whether of a self-regulatory, co-regulatory or statutory nature, which are accessible to the public and which set minimum professional standards for, among other things, accuracy in news and current affairs reporting, respect for diversity and avoiding coverage that promotes intolerance; to have clear policies in place for how they report on statements made or policies adopted by politicians and political parties which are likely to exacerbate intolerance, so that their reporting informs the public about those statements and policies but does not itself promote or exacerbate intolerance and to disclose any conflicts of interest they have which might affect the way they report on an issue.

The organizations reminded media's importance in terms of reporting on and facilitating debate about politics and other matters of public interest and maintaining public trust.

The declaration has also recalled and re-affirmed their Joint Declarations of 26 November 1999, 30 November 2000, 20; November 2001, 10 December 2002, 18 December 2003, 6 December 2004, 21 December 2005, 19; December 2006, 12 December 2007, 10 December 2008, 15 May 2009, 3 February 2010, 1 June 2011, 25; June 2012, 4 May 2013, 6 May 2014, 4 May 2015, 4 May 2016, 3 March 2017, 2 May 2018, 10 July 2019; and 30 April 2020.

About the scope of this Joint Declaration, it is asserted that the declaration addresses freedom of expression issues that arise in the context of action by politicians and public officials, understood broadly to comprise individuals in leadership positions or with significant power, influence and outreach in the public sphere, such as elected and appointed public officials, candidates for public office, leaders and office holders of political parties, and others who engage explicitly in political affairs in an influential manner.

Freedom Forum Chief Executive welcomed the Declaration and believed, "The Declaration would be helpful for the Nepali political parties, State agencies, media, digital and social media companies and CSOs to work for the betterment of rule of law, human rights and press freedom in Nepal for the strengthening of democracy. It is comprehensive knowledge source and a worth sharing and inspiring document for the believers and defenders of democracy." 🌱

Source: <https://www.osce.org/files/f/documents/9/4/501697.pdf>

Continued from Page 1



FF Executive Chief Dahal urged the Ministry Joint Secretary that the policy-making process must be participatory. Only the government officials in the team to review policy and acts is not acceptable, he reminded.

Chief Executive Officer at Internet Service Providers' Association of Nepal, Mr Suvash Khadka, informed that several documents were prepared by the International Telecommunication Union and Internet Society on human-rights based approach on internet issues. Fluctuation in Nepal's internet is caused by the fluctuation by the upstream provider like Tata, Airtel. Internet is expensive because our people have low pay capacity, he argued, expressing worry why heavy tax was imposed on internet although it is dubbed as 'essential service.'

Why Nepal Electricity Authority cut off internet lines all of a sudden in Chitwan city? It must be raised seriously, he added.

Mr Khadka was urged by FF that ISPs should not be misused.

Founder and Executive Director of Body and Data, Shubha Kayastha, stressed the technology, innovation and internet must not be discriminatory. Why policymakers and regulators are not aware to ensure equal rights to the people of different identities in the digital space? She shared that there is huge social censorship to the people with different identities. She blamed that law-making is too biased.

Chairperson of Nepal Internet Foundation and banker, Bikram Shrestha, said although the internet expansion is rapid, the skills and knowledge to use internet properly is very low

in Nepal, which he said, could hamper exercise of citizen's right on internet. So, internet literacy is must for all including our parents, he added.

Chairperson of Online Journalists' Association, Shiva Satyal, expressed worry why ETA was employed to arrest and harass FoE practitioners including journalists in Nepal.

Similarly, Online TV Journalists' Association's Chairperson Jivan Bhandari demanded clarity whether it was possible for people to exercise physical rights equally on internet/cyberspace. It will help know more our FoE online, he believed. He said why the debate was tilted mostly toward negative side of internet.

Internet enthusiast Shreedip Rayamajhi viewed promotion of self-regulation on internet would help us be safe and able to exercise rights.

Tribhuvan University teacher on mass media, Lekhnath Pande, viewed that our data protection and privacy were fragile. Internet literacy is must for all, he added.

Human Rights official at National Human Rights Commission, Ms Kalpana Jha, said we must be aware how our policy making processes are inclusive, acceptable and participatory. It should be same in case of internet related policies, she stressed.

Chairperson of Human Rights Organization of Nepal, Mahamunishwor Acharya, said once our data are not safe, our privacy is risked. Where do our data go? We must be aware. Government is backward on IT issues, he blamed. Acharya suggested FF to organize such

programmes for the lawmakers. HURON was ready to work together with FF on it, he added.

Senior journalist Ms Babita Basnet said time has come to discuss every issue on internet like FoE, privacy, data protection on internet and digital space in a segregated manner to build further understanding. Let's prioritize right to privacy together with FoE online. She lauded the strategy document FF brought in Nepali language, saying it is really appreciative work. Translation of such important strategy on pressing issues is timely to build knowledge around internet, she believed and thanked FF.

Chairperson of Federation of Nepali Journalists, Bipul Pokhrel, said traditional crimes and the crimes after internet should be treated differently. Internet should be used to promote FoE and journalism, he viewed. Only policy and laws are not enough, states must bring programmes on digital literacy, he underscored.

Noted IT expert in Nepal, Manohar Bhattarai, said, "Internet's impact is vehement and unprecedented on humanity. So, this discussion is held at a right time." He viewed that cyber security and online safety could be regarded differently. Even the ISPs should be made accountable, he said, underscoring that internet must be neutral and open. He wondered why Nepal Telecommunications Authority (NTA) was spending huge amount on content filtering. The algorithm of content filtering by NTA must be transparent, Bhattarai underlined. The generalized and vague terms in policy must be wiped out, he added.

FF Executive Chief Dahal thanked all for their precious views on the important topic. 🌱

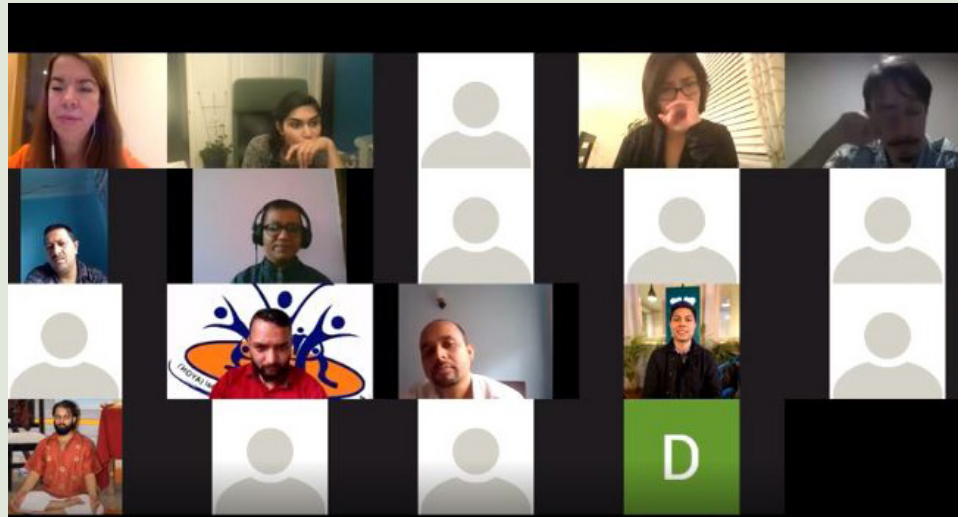
# Learning journey for open and accountable budgeting underway

**F**reedom Forum in collaboration with International Budget Partnership (IBP) – a global partnership of budget analysts, community organizers and advocates working to advance public budget systems – completed a 10-week online course on budget analysis, engagement and advocacy to Civil Society Organizations (CSOs) of Nepal. The training course was conducted as a part of the ‘Collaborating for Open and Accountable Budgets (COAB) initiative’ that aims to strengthen the capacity of civil society groups to actively engage in budget processes and advocacy to build the conditions for transparent, inclusive and accountable public budgeting.

As many as 35 participants representing CSOs involving in budget works, including analysis and advocacy had actively taken part in the training that was held virtually in a learning platform ‘Ruzuku’. The CSOs were mapped based on their engagement in the budget works in the federal, provincial and local levels.

The course included four virtual webinars with 90 minute each, and the rest with self-guided online learning) from September 24 to December 3, 2021, a 5-day in-person workshop in Kathmandu, scheduled for 2022 and ongoing remote support to cover advice on budget analysis, planned advocacy activities and materials, and strategic thinking on ways to incorporate budget work in the organizations, shared Krishna Sapkota who was one of the facilitators of the course.

Among the key sessions of the training course were exploring the impacts of budget works (why is budget works important, budgets during crisis, stories of budget works around the world, fighting inequality, pursuing social justice, improving access to information and promoting transparency); engaging in the budget process (budget



accountability ecosystem, the role of parliament and supreme audit institutions in budget oversight, engaging with auditors a budget accountability actors, participation in the budget process); accessing, using and reading budget documents) and revenue and expenditure tracking and establishing evidences.

The participants were expected to develop an understanding of the budget process in the country including key actors and their roles and responsibilities, and opportunities to intervene at each stage of the budget cycle on issues, an overview of the diverse analytical and advocacy methods that civil society organizations across the world have used to intervene in the budget process, a set of basic analytical tools and calculations to work with available budget information and understand the effects of the budget on different communities/sectors, an appreciation of the rationale for and benefits of budget transparency and participation and strategies to influence open budget practices, budget processes and policies and engage

in related advocacy activities around an open budgeting agenda.

“When we talk about the budget, we’re talking about public money. The decisions the government makes about how money is used is much more than just a technical issue – it reflects government’s priorities and values. Budgets can exclude citizens or groups, skew public resources, and benefit a chosen few; or they can play a leading role in promoting inclusion and addressing inequality, giving people a voice in the decisions that impact their lives”, said Claire Schouten, Senior Program Officer at IBP.

Another facilitator Alexander Ciconello of IBP added “that is why IBP works to make government budgeting more transparent, participatory, accountable, and responsive to national priorities. One route we take is to develop Civil Society Organization (CSO) capacity - through training on budget analysis and advocacy - to advance their issues”. 🌱

## Annual Media Report 2021

# Hostility Continues to Nepali Media

Although the press freedom violations declined this past year (2021), the hostility to media and journalists did not subside. No laws and policies favourable to press freedom, intimidation to journalists even from high level public offices; very late and little progress on impunity relating to crimes against journalists, misuse of Electronic Transaction Act to harass citizens/ journalists, noticeable shift of journalists from traditional media to digital/online media, political parties' respect to press freedom limited to verbal commitment, journalists suffering worst in the face of COVID 19 pandemic and urgent need of digital skills among journalists are some observations this year. With the country having elections in three tiers within a year, misuse of media and intimidation on journalists may erode media credibility and dent democratic culture. Monitoring of press freedom along with untiring watch on public agencies and officials to hold them into account should be a regular work.

This past year Freedom Forum recorded total 59 press freedom violation incidents directly affecting 83 media persons among which 11% are female and 89% are male.

### A. Types of press freedom violation incidents

The violations of press freedom are made in the form of misbehavior, attack, threats, obstructions, and arrest. The major forms of violation of press freedom this year were misbehavior against 20 journalists, followed by attack (manhandling) against 20 journalists. Even a court case was initiated against a journalist, and 7 journalists were arrested.

### B. Province-wise press freedom violations

The maximum violations of press freedom were recorded in Bagmati Province with total 29 cases followed by Province 2 and Karnali Province with 7 cases each. The least number of incidents were recorded in Gandaki (4) and Sudurpaschim Provinces (4) and Province 1 with only 2 cases.

### C. Affected journalists and affiliated media

Most of the media persons (40) affected by the violation of press freedom were associated

Figure 1: Types of Violation faced by Media Persons

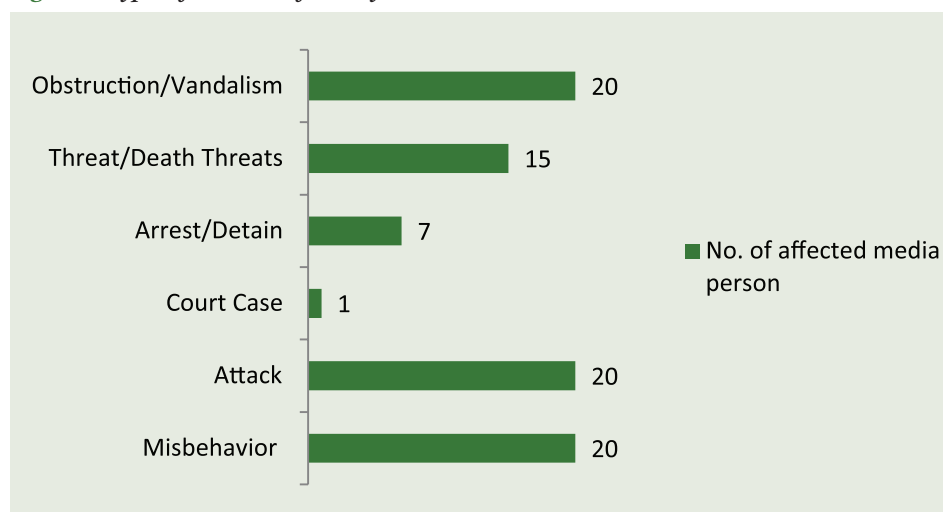
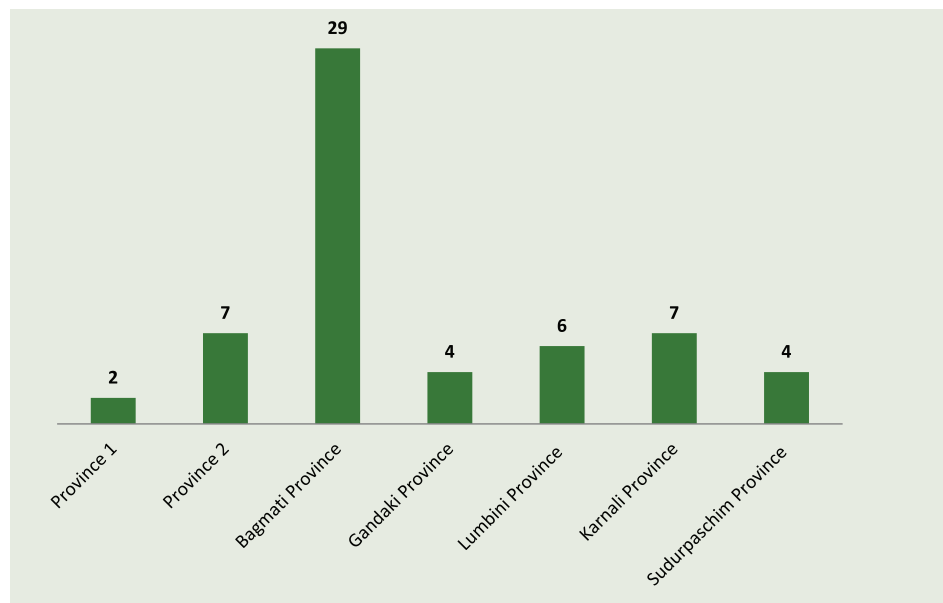


Figure 2: Province wise violations of Press Freedom



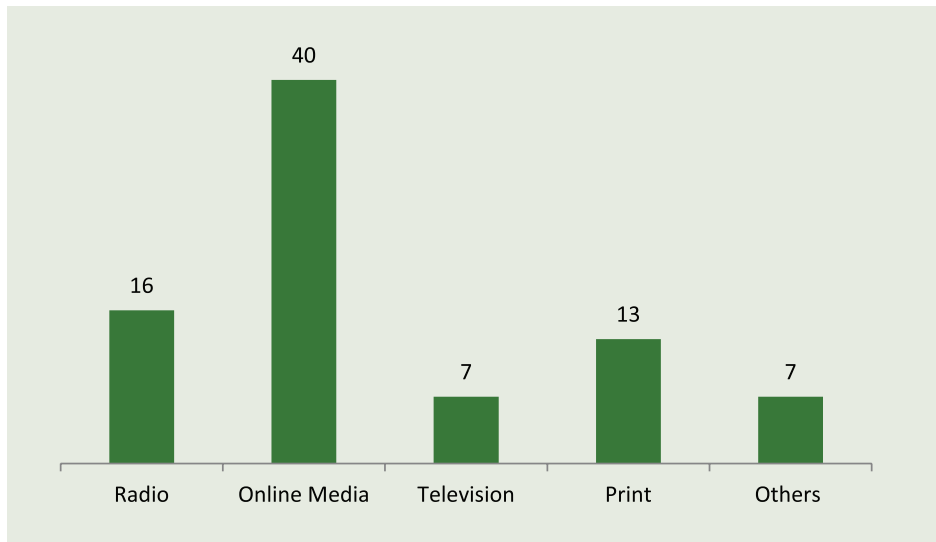
with online media. It was followed by 16 and 13 journalists associated with Radio and Print media, respectively. The least number of total journalists belong to others category and television media facing 7 violations each.

Those incidents listed under 'others' category includes undefined media type and/ or media persons from online television or YouTube media.

### D. Elements hostile to Media

The most hostile elements belong to 'Others Category' affecting 30 media persons. It was followed by arrest/ detain by security personnel and government employees affecting 18 and 15 journalists respectively. The criminal goons were the least hostile element faced by only 4 journalists this year.

Figure 3: Media wise number of affected media persons



'Others' category includes the undefined hostile elements like locals, businesspersons, contractors, hospital staffs, etc.

### E. Year wise cases of violation of press freedom

The yearly trend shows that incidents of press freedom violation are decreasing every year since 2019. Though above line graph depicts satisfactory status of press freedom in Nepal this year, nature of violation incidents describe need for more advocacy and awareness among hostile factors as described below.

## Impunity Update

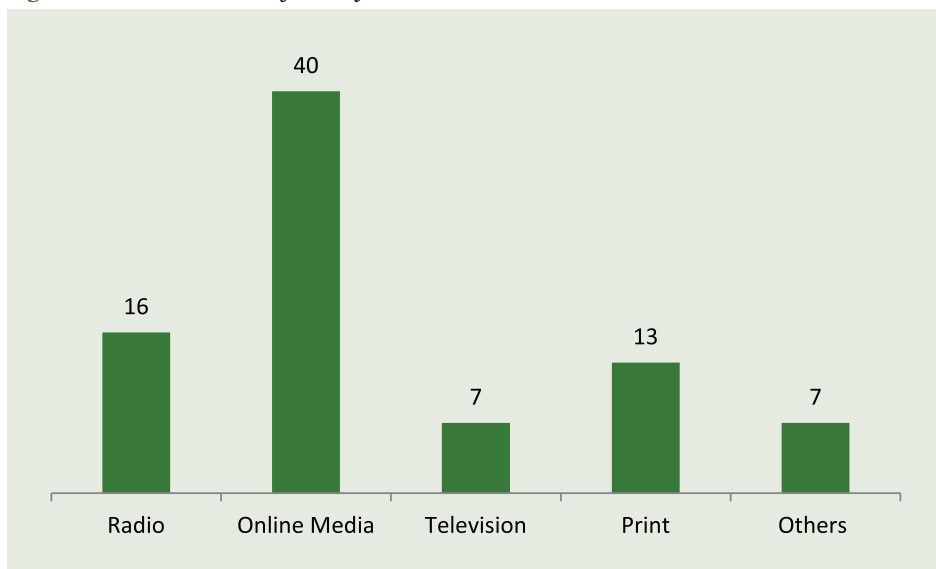
A case of impunity related to crime against journalists- Dekendra Thapa- was addressed this year with arrest of five murder convicts in line

with the verdict of life imprisonment on December 12. The case seems to have come to an end after seventeen years of incidence. Though late, the court's verdict and Nepal police action has brought a relief to the victim families and glimmer of hope that remaining cases will also be addressed.

## Law and Policies

This year witnessed the tumultuous political development in Nepal. The Lower House was dissolved twice by the Prime Minister, as a result of which, several bills are pending for long in the parliament. Though the House of Representatives was reinstated by the Supreme Court for both times, existing political turmoil badly affected overall law making process in the country.

Figure 4: Hostile Elements faced by Media Persons



The Information Technology Bill has been in the parliament for the last three years. The problematic provisions in the bill that have capacity to threaten press freedom and freedom of expression are therefore yet to be resolved.

Similarly, the government in the beginning of 2021 had planned to introduce a social media directive to regulate social media. The draft prepared by the Department of Information and Broadcasting, under the Ministry of Communication and Information Technology was said to be mandated to bring the directive. And it was said the directive was planned to suppress the inciting speech and statements on social media sites including Facebook and YouTube against high profile people. However, the government stepped back after univocal outcry from civil society, stakeholders and public at large. This indicates that wider consultation and multi-stakeholders' participation is required before formulating any policy and regulations relating to the issues of digital public sphere.

## Trend Analysis

Although the number of press freedom violation this past year decreased as compared to the previous year, present data states that press freedom is still under threat in Nepal. The total of 58 incidents were recorded where 82 journalists are directly affected. According to the data, more than 40 percent of the violations are targeted against online media. It reflects the gradual shift of media persons from print or other traditional media to online media. This migration of media persons may be related to the digitalization of the media owing to the crisis due to COVID 19 pandemic. According to the data of Press Council Nepal the number of online media in Nepal has reached 3,000. Thriving of online media can also be attributed to the impact of COVID-19. The journalists laid off and unpaid by the media houses reasoning financial crisis forced them to run online news portal on their own or migrant to the digital media.

Furthermore, the highest cases of violations of press freedom were recorded in Bagmati Province having the federal capital. Among 28 violations of press freedom, more than 45 journalists were affected. Majority of the incidents have occurred in the capital city Kathmandu due to high concentration of media.

It is worth mentioning that the increased internet penetration in Nepal created favorable atmosphere for thriving digital media. According to Nepal Telecommunications Authority the internet penetration has already exceeded 100 percent in

Nepal. The increased presence of the public on the internet is also a good omen for rise in media freedom and freedom of expression.

The data also shows that media persons face major threat from security persons and government employees in Nepal. The 29 and 17 percents of total affected journalists faced violation from security persons and government employees respectively. It reflects the utmost need for awareness among them about the values and importance of press in a democratic system.

One of the glaring examples of state agencies's suppression to media was the interrogation of journalists by the Supreme Court. On 25 May, the Supreme Court summoned the Chief Editor at [www.imagekhabar.com](http://www.imagekhabar.com), Mr. Rajan Kuitkel, and Editor-In-Chief at [www.nepalsamaya.com](http://www.nepalsamaya.com), Mr. Narayan Amrit, for interrogation on alleged "baseless news". The journalists were grilled over their source of news. In another incident, the journalists were obstructed while reporting at the Supreme Court.

The Apex court is a trusted as a guardian of all freedoms, but such intolerant attitude of the court raises questions over its respects towards press freedom. Such incidents not only harass journalists but also discredit independent media.

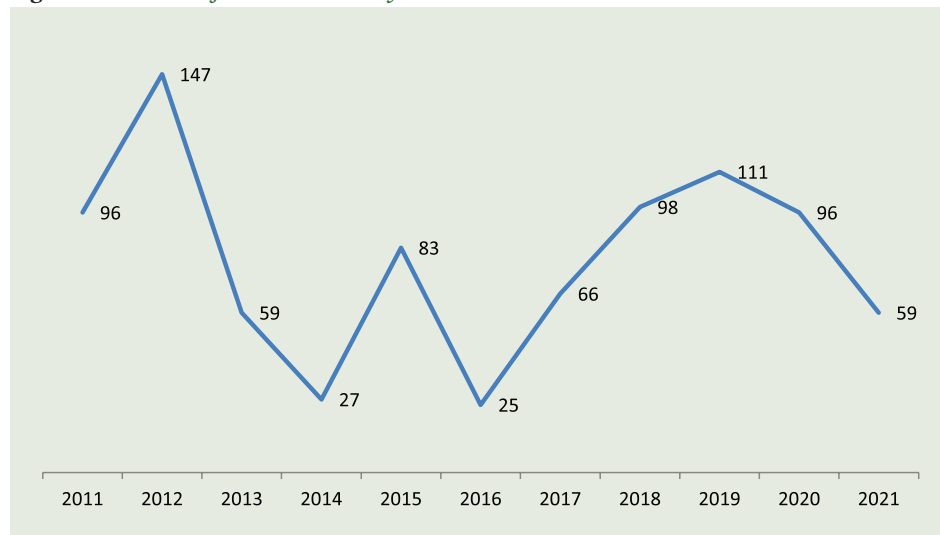
Several incidents relating to attacks on media persons while covering protests have been witnessed. This indicates low-ranked security persons are in dire need of orientation on rights of press and training to differentiate press persons from mob while taming the protest.

In addition to this, the data shows that there is high involvement of people representative's in the intimidation of journalists. Several incidents like:

Mayor of Hariपुर Municipality in Province 2 threatening journalists for reporting long pending construction of Primary Health Care center or Mayor of Chandannath threatening reporter over phone call for writing news critical to her in Jumla, among others.

These forms of obstructions by people's representatives have been reported from General Convention of Parties, meeting of parliament and Provincial Assembly, police, government Officials, local bodies and even at Supreme Court. Barring the press from covering news is curtailing their freedom. The cost of which will have to be borne by the public and the democratic system.

Figure 5: Number of incidents in 11 years



The state owned media is also under the bad eyes of the government.

The article entitled – Expectations from Nepali Congress' general convention (in Nepali) –was written by Ghanashyam Bhatta and published on both print and online version of Gorkhapatra national daily on the same day (December 7). The article was removed within a few hours from the online news portal. Author Bhatta posted on his Facebook account stating the article was deleted due to political pressure, poor democracy.

This tendency of media capture by the government is detrimental to a functional democracy. It exposes our parties' double standard in terms of respecting press freedom. Their verbal commitment to press freedom on the one hand growing hostile to critical views clearly indicates double standard.

The misuse of Press Council Nepal is another worrying trend continued this year too. Instead of promoting professional media practice by regulating content of media fairly, Press Council Nepal has been time and again suspending and blocking media over critical views to government. Four online media, namely: [www.ehimalayatimes.com](http://www.ehimalayatimes.com), [www.birjungcity.com](http://www.birjungcity.com), [www.koshiapati.comand](http://www.koshiapati.comand) and [www.nrnkhabar.com](http://www.nrnkhabar.com), online media were blacklisted on the grounds that they disregarded its instructions. Further, other online news portals, namely, [www.nepalaja.com](http://www.nepalaja.com), [www.karnalikhobar.com](http://www.karnalikhobar.com) and [www.deshsanchar.com](http://www.deshsanchar.com) and [www.setopati.com](http://www.setopati.com) were questioned over their news title. Furthermore, Internet Service Providers were also found putting restrictions over press freedom.

The Classic Tech Internet Service Provider blocked the news portal <https://ourbiratnagar.net/> for 40 hours, which was operated from



**The misuse of Press Council Nepal is another worrying trend continued this year too. Instead of promoting professional media practice by regulating content of media fairly, Press Council Nepal has been time and again suspending and blocking media over critical views to government.**



Biratnagar. The executive director of the news said that the portal was blocked after two hours of the news publishing about citizen's padlocking at ISP's office.

This depicts intermediaries are also stifling free expression.

## Eta All Time Nuisance

More appalling is the continued misuse of Electronic Transaction Act against media persons and citizens to suppress their right to free expression.

Four YouTubers were booked under cyber crime for allegedly broadcasting news accusing a woman's involvement in a fraud.

Despite the provision relating to defamation under the Criminal Code, the government opts to use the Electronic Transaction Act to give higher punishment. The ETA contains broad and vague terms, which is often misused in a way that favors the State or the party. By the exercise of the provision, the State has been exerting a chilling effect on the press.

## Professional Capacity

### Building

The shift of media from print to online medium has also invited hosts of new threats to the safety of journalists. The media persons need to adhere to their code of conduct and development professionalism to minimize these challenges. At a time when digital dominance

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was increased alarmingly, the journalists' capacity must be enhanced to negotiate the new atmosphere effectively so that they can remain safe and professional. The technical knowhow among journalists is equally imperative to avoid the impact of disinformation/misinformation on media. The skills to foil media discrediting can help restore media image amidst floods of information.

Cyber safety, data protection are others in the to-learn list for media persons.

## Observation and Projection

The above mentioned data and its description paint a grim picture of press freedom in Nepal. The growing presence of online media in Nepal gives a projection that 'press freedom will mean digital press freedom' in the coming days. So, monitoring of digital public sphere is necessary

to monitor freedom of expression and press freedom.

Nepali media and journalists suffered worst due to COVID 19 pandemic and the subsequent lockdown government imposed to contain virus. Non-payment, low payment, forced unpaid leave of journalists and even the death of 16 working journalists as per Federation of Nepali Journalists (FNJ) were recorded this year. Similarly, more than 500 journalists were sid to be infected with the coronavirus.

The state agencies and political leaders are the hostile element to media and journalists. It reflects the restrictive attitude of state agencies and politicians. Despite their univocal commitment to freedom of press, there is disparity between the verbal commitment and true implementation. Hence, political and state behaviors need to be monitored and held accountable.

As the country is going to have periodic elections of all three tiers of government in future, coming year may be full of political tussles. The series of party merger and split in the past can be resulted to further tussle as the election approaches. So, the media houses and journalists may be controlled and intimidated for and against their favor or media coverage. The political protests and undisciplined election campaign may turn further hostile to reporters, and photojournalists.

More professional and enhanced practice of media is required in future to fend off media discredit with possible campaign of political misinformation and fake news on the run up to elections. 🌱

**According to the data of Press Council Nepal the number of online media in Nepal has reached 3,000. Thriving of online media can also be attributed to the impact of COVID-19. The journalists laid off and unpaid by the media houses reasoning financial crisis forced them to run online news portal on their own or migrant to the digital media.**



# 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>Projects</b>	<b>Krishna Sapkota-</b> Driving Audit Accountability (Consultant/ OBS Researcher), <b>Narayan Ghimire-</b> MAINSTREAMING HUMAN RIGHTS IN CYBERSECURITY AND CYBERCRIME POLICY (CONSULTANT), <b>Subash Dahal -</b> DAA		
<b>Project Information</b>	<b>Project Name</b>	<b>Supporting Agency</b>	<b>Date of Signing the Contract</b>
	Contributing to create atmosphere for free expression and reduction of impunity on crimes against journalists	IFEX	30th November 2021
	Driving Audit Accountability : Audit Reports for Colective Action to Strengthen Government Responsiveness (DAA)	IBP	30th September 2019
	Mainstreaming Human Rights in Cybersecurity and Cybercrime Policy	Global Partners Digital	15th March 2021
	Open Budget Survey, Support to IBP in Developing Capacity Building Materials for civil Society Organizations	IBP	14th June 2021
<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. 2,389,680 (October to December 2021)		
<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 50 Publications (printed) Please 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		

# How social media regulation could affect the press

By *Alicia Ceccanese* / CPJ Global Technology Researcher on January 5, 2022 12:10 PM EST

The United Kingdom moved a step closer to regulating social media in December when a parliamentary committee recommended major changes to the country's Online Safety Bill so as to hold internet service providers responsible for material published on their platforms. "We need to call time on the Wild West online," said committee chair Damian Collins. "What's illegal off-line should be regulated online." The draft law, which will be submitted to the British parliament in 2022, is aimed at penalizing companies that allow content relating to crimes like child abuse and online harassment; news reports and free expression groups have flagged similar efforts in Kazakhstan, Australia, Indonesia, Chile, and Canada, among other countries

Social media regulation is significant for journalists who use platforms for work, especially when the legislative focus is on information or speech. In 2021, U.S. nonprofit Freedom House found that at least 24 countries were seeking to govern how platforms regulate content. States like the UK, which set out to prevent platforms from censoring journalistic posts in the draft safety bill, face thorny questions about whose posts merit protection and how regulations should be enforced.

Many journalists are themselves demanding that governments regulate social media to help solve issues that affect the press, like online abuse, disinformation, or falling advertising revenue, but there could be other unforeseen consequences. Lawmakers in the United States, the U.K., India, Pakistan, and Mauritius are among those discouraging platforms from offering encrypted messaging, which helps journalists communicate safely. Legislation mandating that platforms share data with police would be bad news in

countries that jail journalists for social media posts. Some social media laws, like Turkey's, affect news websites and search engines as well. Others have implications for news websites with comments sections.

At worst, authoritarians can jump on the regulatory bandwagon to stifle reporting. In 2020, a report by Danish think tank Justitia found 25 countries had drawn inspiration from Germany's 2017 Network Enforcement Act to "provide cover and legitimacy for digital censorship." Such laws leave social media companies with a difficult decision: comply, or leave the country. CPJ's Alicia Ceccanese spoke with Kian Vesteinsson, a research analyst for technology and democracy at Freedom House, and Jacob Mchangama, executive director of Justitia, about their respective research.



## Banning broad categories of content

Governments are "outsourcing the policing of online content that [they] don't like to the platforms themselves," essentially requiring technology companies "to do the dirty work for them," according to Mchangama. In 2018 David Kaye, the former United Nations Special Rapporteur for freedom of opinion and expression, noted broadly-worded and restrictive laws on topics like extremism, blasphemy, defamation, and false news being used to require companies to suppress legitimate discussions on social media.

## Enforcing short takedown windows

Germany requires platforms to remove "manifestly unlawful content" within 24 hours, or up to seven days if the legality is unclear, and other countries have followed their example without adopting the same rule of law protections, according to Mchangama. "Typically [it takes a court] more than a year to process a single case of hate speech," he said. "Some of these states

then demand that social media companies make roughly the same legal assessment in 24 hours." Under pressure, platforms take down more content, according to Vesteinsson. "Companies overcorrect," he said.

Tight deadlines incentivize companies to use solutions like artificial intelligence to automatically screen posts for something that might be illegal, according to the Washington D.C.-based Center for Democracy and Technology. But recent analysis of leaked internal Facebook documents indicate such filters have been ineffective, especially in certain languages – as have poorly-trained human moderators, according to The Associated Press and international journalism non-profit Rest of World.

## Eroding intermediary liability protection

Best practices protect intermediaries like social media companies from legal action over someone else's content, which "safeguards [companies] to moderate and remove content on their platforms and shields them from legal liability for the activities of their users," Vesteinsson told CPJ. Liability makes them less likely to push back against censorship and surveillance demands, he said. Mchangama agreed. Laws that erode liability protections provide an "obvious incentive for platforms to say, 'Better safe than sorry' when governments make requests, he said.

## Requiring localization

Localization laws mandate that social media companies host staff – often local nationals – and data in country under the eye of local authorities. Representatives risk being hauled into court if the company doesn't comply with the government's rules, according to a recent analysis by Rest of World. "Companies [will] think twice about whether they want to challenge these governments [and] risk the freedom and safety of their employees on the ground," Mchangama said. 🌱

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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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