PRESSURE & POLARISATION
POWERING MEDIA RESISTANCE IN SOUTH ASIA

NEPAL COUNTRY REPORT

21ST ANNUAL SOUTH ASIA PRESS FREEDOM REPORT 2022-2023
Nepal witnessed yet another year of political upheaval with journalists continuing to face all the old problems as the nation emerged from the Covid pandemic. Journalists and unions continued their struggle for labour and media rights while also pushing governments toward press freedom-friendly laws and regulations. Added to the continuing threats and attacks on journalists were digital threats and attempts to undermine journalism and journalists by political leaders. As Nepal held two elections during the year, journalists also faced increased restrictions.

It was a politically charged year in Nepal as it entered a new political phase. In fact, Lamichhane’s citizenship was first questioned by an online media portal. Ukerja.com’s editor KP Dhungana relentlessly followed the issue, unearthed proof. He was targeted by trolls and attempts were made to discredit his journalism by Lamichhane’s supporters. The trolling against Dhungana and his work continued for months. Although Lamichhane made no comment on it initially, during a February 5, 2023, news conference he admitted that it was good journalism. Women journalists in Nepal are particularly prone to online abuse. A study by the Media Advocacy Group released in December 2022 revealed that “an overwhelming majority” or 89 per cent of women journalists in Nepal have faced online violence. Disturbingly, 33 per cent faced violence perpetrated by their own colleagues in the media. According to the study, the most common platform for online abuse was Facebook Messenger: 62.3 per cent respondents reported facing online abuse on Facebook Messenger, while 18.8 per cent reported such abuse on Twitter, 12.8 per cent on WhatsApp, 11.7 per cent on Viber, 6 per cent on email and 6.6 per cent on Instagram. Significantly, Lamichhane can be contrasted with the reluctance of the police to investigate the complaints. Participants in the study said that the cyber bureau of the Nepal Police was reluctant to register cases due to a lack of clear and specific guidelines in this area of online violence.

In December 2022, a few weeks after the report about Lamichhane was published, the news about him and another critical report about the son of the vice president was removed by Jeff Dine, the editor-in-chief of Fishpond Media, who had gathered information that a person was active in following his Facebook account. In the past, there have been instances where the police have failed to investigate properly, he claimed. Lamichhane was not alone in running down the media. Newly elected Speaker of the House Devrika Ghami met a delegation of the Federation of Nepalese Journalists (FNJ) and the Nepal Union of Journalists and was briefed about the media situation. Ghami claimed that journalists were on sale and that yellow journalism was increasing at an alarming rate. His statement drew flak from former journalists. In fact, he even accused former colleagues of being in Facebook indicating that he would be killed. A team of journalists filed a complaint with the police, but the police remained inactive although the Facebook IDs of those posting the photos were included in the complaint.

In December 2022, journalist Bishnu Subedi was threatened with physical attack by the chairperson of the CPN-UML student union Sunita Baral. Retweeting a comment by a union cadre that said, “Bishnu Subedi will someday be badly beaten”, Baral added a comment: “Looks like it’s needed.”

During the Local Level Elections in May 2022, many journalists faced misconduct by election officials or security agencies while covering the elections. Many journalists were denied entry to voting booths and the vote count area, while some were given entry without permission for a camera or mobile phone. Although there were no major incidents of violence, there were sporadic incidents all around the nation with journalists’ rights not respected.

These are just a few examples of what Nepal journalists are facing. Yellow journalism, physical attacks and online abuse in the compound are nothing new. While leaders and most of the attacks were carried out by unknown groups, there were also incidents where state agencies meant to protect journalists misbehaved with journalists. In most such cases, the perpetrators remain unpunished.

Nepal’s media content regulator – the Press Council of Nepal – faces an uncertain future. The media regulator was under a cloud from 2021 when it issued a 24-hour clarification notice to Nagarik daily for publishing a satirical cartoon on the former Prime Minister and CPN-UML chair KP Sharma Oli. The Council’s move was called “a politically motivated statement and against the constitutional rights” by Freedom Forum Nepal.

Misinformation and elections

Misinformation is already hurting the public trust in citizens of media as many believe that it is impossible to differentiate between deliberately produced content, blogs, social media posts, television reports or YouTube videos. During the elections, some misinformation was produced to mimic news reports. There were fake screenshots of online media posts. Fake news of the three major political leaders were shared online. They contained news that the media had not published.

Although misinformation did not have a significant impact on the outcome or the integrity of the elections, as concluded by a report on misinformation monitoring from the Center for Media Research, Nepal, there was a sizable number of instances of misinformation. The emerging trends are likely to threaten public trust in the media in the future.

The FNJ during the elections also issued a statement urging media to follow the code of conduct while covering elections indicating that

The surprising outcome was the Rastriya Swatantra Party (RSP) formed six months before the general election by former journalist Rabi Lamichhane which won 20 seats to become the fourth-largest party
s some media reports were questionable. Over the last few years, some YouTube videos were promoted as news but have been either misinformation or exaggerated versions of news. While some of the YouTube channels have formed an association and committed themselves to follow self-imposed ethical guidelines, many channels continue to produce content lacking in credibility. This prompted the Press Council of Nepal, the media content regulatory body, to recommend action against 34 YouTube channels in July 2022 for violating the code of conduct. The Council claimed that it recommended action against the YouTube channels because they were responsible for inciting, spreading misleading information and fake news, disrupting social harmony, and disseminating information that strains international goodwill and brotherhood among countries.

The Election Commission created a ‘Press Office’ to monitor media and social media during the elections. However, the decision to include representatives of the Nepal Army and Nepal police drew criticism from the FNJ stating that it was an attempt to restrict citizens’ right to free expression. When the Press Council of Nepal already existed to monitor media content, the formation of a unit by the Election Commission was seen as overreach. There were incidents during the elections when the Commission issued ‘press freedom violating directives’ directly to the media.

One example involved Nepali news portal Setopati.com. On November 5, the Commission ordered the portal to delete an article within 24 hours, deeming the story defamatory and violative of the electoral code of conduct. On November 4, Setopati had published news that Nishan Kharel, the son of former law minister and election candidate Agni Kharel, had retained Nepali citizenship and voting rights in Nepal despite active service in the United States Army. Setopati published a special editorial criticising the demand to take away his citizenship.

A common trend in those laws, as well as in the draft bills of federal laws, are provisions allowing the provincial or local level governments to annul broadcasting licenses, suspend broadcasting, overreaching and vague definitions of reasonable restrictions of press freedom, the authority to direct broadcasting or stop broadcasting of certain materials, and punishments. Researchers and advocates have pointed out many provisions of the laws at the provincial and local level that are contrary to the constitution and press freedom.

Constant vigilance

Nepal entered 2023 with a new government and several laws needing to be promulgated; however, early indications, based on what people in authority have expressed, as well as the state of press freedom violations, show that more restrictive draft bills, cannot guarantee press freedom. The number of incidents of press freedom violations might have come down, the overall press freedom ranking may have improved, but the fight for press freedom and civil rights will continue in the coming year. The IFJ affiliates – the FNJ and the NPU – will have to continue to be ever vigilant and sharpen monitoring and advocacy work to ensure that the situation doesn’t deteriorate. A watchful eye must be kept on the new laws to ensure that they are not restrictive at a time when the mass media and journalists are fighting against misinformation and struggling with digital transformation. The year ahead doesn’t seem easy for Nepal’s journalists.

Spike In Hostility To Digital Media During Elections In Nepal

As Nepal held local and general elections in 2022, journalists were subjected to online attacks and attempts at demeaning journalism. After former deputy Prime Minister Rabi Lamichhane lost his membership of the Parliament following questions about his citizenship status, he began a non-stop negative narrative against media.