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Freedom of the Press 2011 - Nepal

Status: Partly Free

Legal Environment: 16

Political Environment: 28

Economic Environment: 15

Total Score: 59

The deterioration of law and order in Nepal perpetuated high levels of violence and intimidation toward journalists and media workers in 2010. However, conditions in recent years have represented an improvement over the period that ended in 2006, when massive street protests toppled the direct rule of King Gyanendra Bir Bikram Shah Dev and led to a peace accord with the Maoist rebels.

The interim constitution of Nepal, passed in 2007, guarantees freedom of the press and the right to freedom of opinion and expression. However, the constitution has been criticized for failing to fully meet international freedom of expression standards. According to the constitution, freedom of expression can be restricted in cases of defamation and incitement, as well as in the interest of promoting sovereignty, public decency or morality, and harmonious relations between different communities. Moreover, the government has done little to enforce the right to freedom of the press, as demonstrated by the high level of impunity for perpetrators of serious crimes against media workers. Although criminal defamation exists, it is rarely employed against journalists. While the 2007 Freedom of Information Act was generally welcomed by press freedom groups, it has been criticized for its requirements that applicants submit reasons for their requests and its lack of a public-interest override that would allow the disclosure of classified or private information. Critics have urged the government to make changes in the new constitution, due in 2011, such that press freedom is adequately protected and restrictions and limitations are in line with international requirements. The Nepal Press Council and the Federation of Nepali Journalists have a code of ethical conduct; however, the inability to enforce the code and a lack of support from media stakeholders create obstacles to ethical practices by all Nepali journalists.

Nepalese media were active and provided diverse views in 2010, but Nepal remains one of the world's most dangerous places for journalists and media workers. During the past year, a total of 107 incidents of press freedom violations related to covering the news were reported. Three media entrepreneurs were murdered in 2010: the chairperson of Spacetime Network, Jamim Shah; the publisher of *Janakpur Today*, Arun Kumar Singhaniya; and the chairperson of Community Radio Tulsipur, Devi Prasad Dhital. Additionally, there were reports of 16 attacks, 37 threats, and 4 torching incidents. Impunity for attacks and harassments remains high. Although some arrests were made in connection with Shah's murder in February, there have been no prosecutions. The perpetrators of the other two murders have not been apprehended. In addition, by year's

end the government had yet to punish the murderers of journalists Dekendra Thapa, killed in June 2004; Birendra Shah, killed in 2007; and Uma Singh, killed in 2009. As a result, the level of self-censorship among journalists has risen in the past year.

Politicians, government employees, and police and security forces regularly threaten or attack critical journalists. In August 2010, a member of the Nepali Congress party, Mohan Basnet, threatened to kill several journalists for not supporting him during the party's district convention. In October, journalists were attacked while reporting a story on gambling and drinking during the festival of Dashain, while police officials protected the perpetrators. The journalists were further harassed by the police, and their equipment was confiscated. The southern Terai region remained a particularly hostile environment for journalists. Two political groups from this region – the Terai Janatantrik Party (Madesh) and the Janatantrik Terai Mukti Morcha – claimed responsibility for Singhaniya's murder in March. On April 18, activists of the Hindu Yuva Sangh (HYS) torched copies of the leading Nepali national dailies *Kantipur* and *Annapurna Post* in the southern town of Birgunj. There were no reports that foreign media were banned or censored in 2010.

The government owns several of the major English-language and Nepali dailies, as well as the influential Radio Nepal and Nepal Television Corporation, the country's main television station. There are several hundred dailies and over 2,000 print publications, many which are based in central regions of Nepal, according to the Nepal Press Council. Because there are few barriers to market entry, radio remains a popular news medium. The development of "local" radio stations has become more common due to communities' fear that the dominance of Nepali in the media will supersede local cultures and languages. Nepali media faced increasing pressure from the Indian government and private sector in 2010, especially in light of constantly looming threats of advertising withdrawals. On May 27, Indian authorities withheld a reported 1,000 metric tonnes of newsprint imported by Nepal's Kantipur Publications from Canada and South Korea, which was being routed through India. Although the Indian embassy in Kathmandu described the move as "a routine administrative measure," the Indian government did not release any further details, nor did it deliver notice to the publication company about the investigations. The newsprint was released from the Indian city of Kolkata on June 25, but caused disruptions in the English-language publications of *Kantipur* and the *Kathmandu Post*. Kantipur Publications also allegedly came under pressure from Indian multinational companies when the companies withdrew all advertisements from Kantipur's newspapers, after allegations by the Indian embassy that the newspaper group was "adversely disposed towards Indian interests." Many workers in Nepal's news outlets do not receive professional training, are informally employed, and are paid well below prescribed minimum wages. In late November, a new committee was established under Nepal's Working Journalists' Act to review journalists' extremely low wages, as well as their lack of retirement benefits, medical coverage, and insurance.

There are some government restrictions on the internet, accessed by 6.78 percent of the population in 2010. In September, the Nepal Telecommunications Authority (NTA) sent a letter to all internet service providers (ISPs), warning that it would take serious action against them if they did not fulfill conditions of operation, including the filtering of pornographic content and of any material that "incites racial and religious hatred and is against the national interest." On October 28, the *Nepali Times* reported that the NTA had written to all ISPs, ordering them to block dozens of websites it deemed objectionable. Although a majority of the websites on the list contained pornographic material, the websites for the U.S.-based online newspaper the *Huffington Post* and the scientific journal *Springer* were included. Online journalists and bloggers face occasional threats as well. On November 16, Shreedeeep Rayamajhi was attacked in central Kathmandu. A writer for CNN iReport and the U.S.-based nonprofit Institute of Field Research, Rayamajhi had been receiving e-mails suggesting threats on his life prior to the incident. Despite repeated complaints and requests for security, no action was taken by the police.