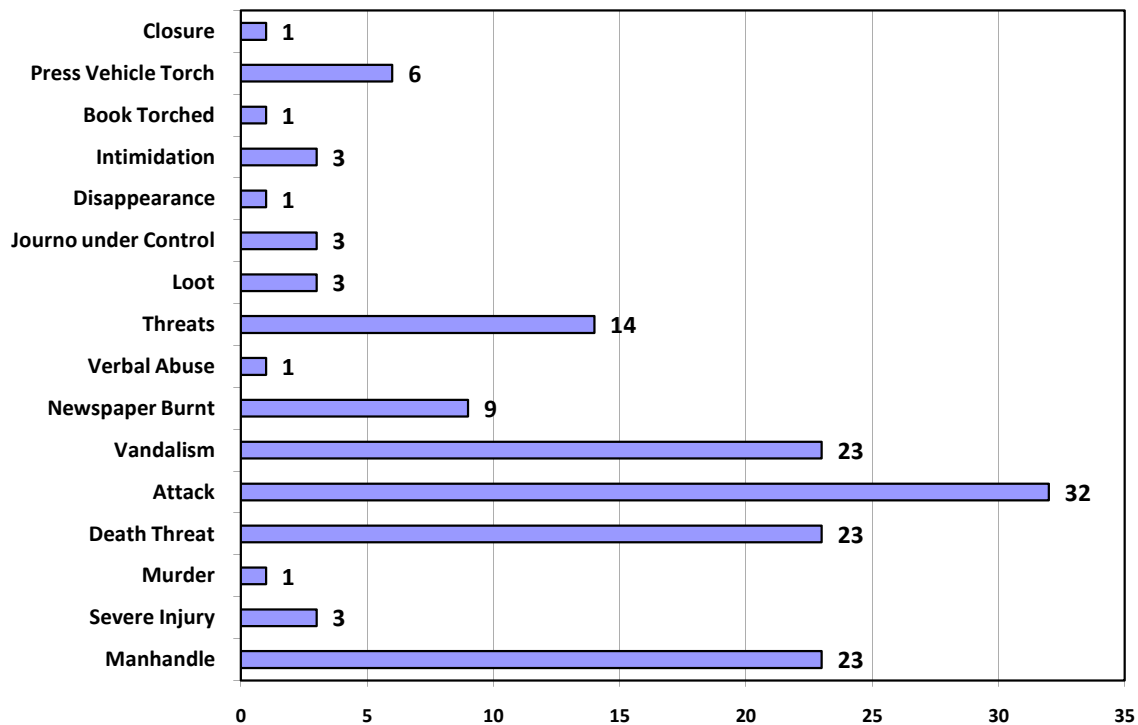


## Nepali Media reeling under Hostile Atmosphere

Nepali media and media workers faced unprecedented attacks and atrocities from various sides this year too. Because of the fluid and unstable political situation, threats and attacks on media outlets and journalists grew significantly with the emergence of some new trends mainly effect of party split in media, media merger, and pressure of sectarian/communal interests on media. As was in the past years, freedom of expression and press freedom was challenged by both government and non-government sectors. The government officials, teacher, security as Nepal army and Nepal police, minister's aides, unknown gang, and others were involved in terrorizing journalists and frustrating atmosphere for free and fair practice of journalism. The space of freedom of expression was limited with growing life-threatening assaults on journalists followed by a spate of anti-press incidents. The gruesome murder of journalist Yadav Poudel spread shock wave in the national and international media, showcasing precarious condition of media freedom in Nepal. On the other side, Freedom Forum has seen few positive developments in media too.

A total of **147** incidents of press freedom violation occurred in Nepal during this year. There were 96 incidents of press freedom violation in 2011.

**Press Freedom Violation during 2012**



- **Horrendous killing** of journalist Yadav Poudel from Jhapa, a district in the southern plain of Nepal on April 3, 2012 left Nepali media panicked. It obviously ruined the morale of journalists across the country. Although the murderers of journalist Poudel have already been punished with life-time imprisonment, the hostile atmosphere for free reporting is still looming. Media workers in Jhapa are still agitated and agonized with fear psychology with no assurance of security from the government side.
- **Compared to the last year**, it is a sharp rise as situation grew remarkably hostile during the months on the eve of the collapse of Constituent Assembly that was supposed to promulgate new constitution in May 27, 2012. In order to have their issues met by the political parties through the CA on new constitution, the **burst of communal, ethnic, regional, religious interests during the months on the eve of the May 27, tried to control media**. Taking advantage of the fluid politics, large number of organizations mounted pressure on media to prioritize their issues otherwise face action. Journalists and media outlets were at the receiving end during this period. Three days- May 20-22, of 2012 remained 'black days' in Nepali media. It was worrying that government remained mum on the perpetrators of media freedom during these days. Against last year's death threats 16, attack 9, and manhandle 16, this year the media faced 23 death threats, 32 attacks and manhandle 23. There were only 8 cases of vandalism, but it nearly trebled with 23 this year. Similarly ban on film screening and burning book are new this year. However, the number of newspaper burning stands equal-9 -in both years. The rising number of press freedom and freedom of expression violation demonstrates that media is working in hostile atmosphere with growing challenges from diverse sectors.
- **Religious, ethnic, regional, and political fundamentalism** has emerged as new threat to Nepali media. People and groups asserting their rights and identity in terms of religion, ethnicity, region, and politics have ignored the media freedom. Under the slogan of Hinduism, the Republic media, publisher of the *Nagarik* and *Republica dailies* and Sukrabar weeklies witnessed coordinated attack on December 20 on a broad day light.
- **Split in the political party** has jeopardized media freedom in Nepal. It is a new media trend observed by the Freedom Forum this year. After the split in the party, the owners, staffs and working journalists in the media are repeatedly kept under influence, threat and attack as well. The big political party of Nepal- Unified Communist Party of Nepal (Maoist) split and emerged new faction- Communist Party of Nepal (Maoist). It clearly impacted the media run by the party. We have the story- *Radio Paschimanchal* in Palpa, a district in the western region of Nepal, has been disrupted frequently this year all because of disputes between the supporter and opponents of the main party. It indicates that both Maoist

parties are for control of media. They are abusing the media for they have pressed it sing on their tune; otherwise, the journalists are in risk. The control of media by any political party is therefore abhorring and unsuitable.

- **Another new trend in Nepali media this year is- merger of media.** Owing to financial crunch, three newspapers in Butwal, a city in the southern plain of Nepal, were merged. The *Dainik, Janasangharsha* and *Swadhin* dailies merged reasoning the sustainability. Similarly, among 12 newspapers registered in the district administration office Bajhang, a far western hilly district of Nepal, have been closed because of the lack of financial sources. Jagdish Rokaya, publisher of the *Jayaprithivi Post*, informed this over the phone.
- **Organized attack on media under religious fundamentalism:** Unlike past years, 2012 witnessed organized attack in media outlet. On a broad day light, a religiously fundamental group consisting more than 30 persons entered the *Nagarik daily* office and attacked whosoever they found before them on 20 December. It is the first of its kind that a big media house was attacked under religious fundamentalism.
- **Not to forget, most of the journalists in Nepal are underpaid.** They have now begun raising voices to their employers and stakeholders to adhere to the Minimum Remuneration Fixation Committee's rule. Media employers are not provided even the appointment letters to the media persons. Two journalists- Anil Dhakal and Subash Pandit- in *Triveni FM* of Chitwan were sacked merely for their demand of minimum wage and appointment letters. However, with the pressure from stakeholders they were restored in the FM. The FM is yet to meet their demands.
- **Govt. against Free Media:** To a gross violation of media freedom, the government led by Unified Communist Party of Nepal (Maoist), despite concerns rife over its step to control state-run media, demoted Acting General Manager of *Nepal Television* (NTV), Deepak Mani Dhital, on June 18, 2012, for broadcasting live the mass gathering of 27 opposition parties from Khulamanch in the capital city on June 8, 2012. The government move has proved that it was making environment to impose authoritarianism by panicking media persons and controlling media. At a time the state-run media were in need of getting transformed into the public broadcasting agencies, the government act to demote Acting General Manager Dhital has misused the state media and shown authoritarian character.
- **FNJ's Activism Slack:** The role of the Federation of Nepali Journalists (FNJ), an umbrella organization of the journalists across the country, has been realized slack. The complaints about financial irregularities within the FNJ would further cast doubt on credibility and legitimacy of the organization.

- **Govt. Funding Partisan Media Organizations:** The ruling government of the Unified Communist Party of Nepal (Maoist) and the Madhes-centric political parties has funded the partisan and region-based media union and organizations- a new trend in Nepali media. The government funding to the partisan and region-based media union has badly politicized the media which is detrimental to free and professional journalism. The Madhesi Media Forum aligned to the Madhes-centric parties of the government was provided Rs 1.5 million as training budget. With this, there is high chance of growing pro-Maoist and pro-Madhesi reporting/journalism thereby breaching the wider pursuit of media.
- **Unchecked Impunity:** As it was in the past years, the government remained mum on numerous incidents of press freedom violation across the country.
  - ❖ **Police spectators to media attacks:** No attacker on media during the months on the eve of the fall of CA was held by the police. Media and journalists were at the receiving end of surging demonstration during the months nearing CA fall. In the two weeks (May 8-48, 2012) alone, a total of 88 incidents of press freedom violation occurred in Nepal. But no attackers were nabbed and taken action by the police administration nor the government showed any sympathy to the injured journalists during the demonstration of different organizations.
  - ❖ **Govt. silent on attack on Republic media:** Government has not spoken anything about the coordinated attack on Republic media. Although the news about properties of the late King Birendra, and publication of nude photos carried by the *Sukrabar weekly* were said to be the causes behind, no truth is established because the alleged gang of Shiva Sena has denied attack and the government too is silent. According to the editor at the *Nagarik daily*, the attackers might have been protected either by government or by the Maoists because the weekly had continuously followed up the corruption where Prime Minister's wife was indulged, and also followed up the property of late King which could be headache to CPN-Maoists, the breakaway faction of the ruling UCPN-Maoist. Although 13 persons were held by the police, the government is yet to come clear about this.
  - ❖ **Dillydally on the Cases of Dekendra Thapa and Prakash Thakuri:** The government is reluctant to expedite the case of Dekendra Thapa, a journalist killed on 11 August 2004 by CPN-Maoist after abducting on 26 June 2004. Many times, the district police office did not file the case. On 12 December 2012 too, Dekendra's wife Laxmi Thapa filed a writ petition in the Surkhet Appellate Court, seeking an order of mandamus for prompt investigation into murder case. The writ was filed against the District Police Office, Dailekh and District Public Prosecutor's Office, Dailekh.

Widow Laxmi rues that the killers of her husband are still walking scot free in Dailekh.

Similarly, though Kanchanpur District Court on August 23, 2011, filed a case again on the murder of journalist Prakash Thakuri from Mahendranagar, a far western district of Nepal as per the Supreme Court (SC) mandamus to this regard, no verdict has been delivered till date. The SC had said in the mandamus on February 23, 2011 that the crimes committed after the Comprehensive Peace Accord could not be let off in the name of political case.

Earlier, the case filed by victim's wife Janaki Thakuri at the District Police Office Kanchanpur on November 9, 2007, claiming that cadres of UCPN-Maoist had abducted her husband from their rented apartment at Bhasi, Mahendranagar was withdrawn by then government led by UCPN-Maoist Chairman Pushpa Kamal Dahal 'Prachanda' on October 28, 2009, dubbing the case of political nature. These are some of the glaring examples of impunity substantiating that the state has been apathetic to dispense justice to victim journalists and their families.

- With the growing number of media, the **credibility of media content is eroding** to some extent. A public agency with sole responsibility to monitor the media content, Press Council Nepal, is in need of becoming more active in propelling decent journalism.
- Lately, it is learned that the caretaker **government is enforcing the media policy but without broader consensus**. It is hazardous because it was prepared without all-sector participation. It is wrong timed to introduce this also because politics is all in rift. Also, it has lacked the international standard. Bringing media policy without forging broader political consensus would not suit the democratic culture.
- However, the **movement of right to information is gradually gaining ground** because the youths and civil society representatives are interested and engaged in sensitizing the people from the local to central level on citizens' access to information. With the help of the RTI Act, many students and rights activists have achieved information they needed from the public agencies.
- **Towards positive development-** the government has amended the national broadcasting regulation recently thereby opening an avenue for local televisions. It has come as a slightly liberal policy, a one step progress in media policy of the government. It obviously will encourage investment in media in local level. After the cable TV is allowed, even the small investment would help set cable TV and would promote media pluralism. It adds new dimension in Nepal's media and helps enrich citizens' access to information and freedom of expression. Also, the local cable TVs would be legalized.

- **NHRC to form freedom of expression protection taskforce:** Another positive development in the field of freedom of expression by the state agency is a homework being carried out under the aegis of National Human Rights Commission (NHRC) that it was establishing a freedom of expression protection taskforce. The taskforce would consist of rights defenders and concerned government officials. It is a progressive step in the NHRC to protect and uphold the rights of freedom of expression practitioners.
- **UNIME's Initiation:** With the formation of a non-partisan organization- the Union of Media Employees- in Nepal, the need of media trade union has been realized and internalized. It would now help promote collective bargaining for media rights. It is expected to patch up difference between journalists and workers in media. It is regarded as a positive development in Nepal media.
- **Reinstatement of sacked Journalists:** Two journalists after legal battles with their employer media have been reinstated. It is another positive case here. These have set the record by establishing the rights of working journalists. Ram Prasad Dahal, sacked illegally from the *Rajdhani daily* in 2005 was finally restored and compensated after untiring legal battle of seven years. Freedom Forum had provided legal support to Dahal. Similarly, Bikash Thapa sacked from the *Kantipur daily* has been restored recently.
- **To conclude,** Nepali journalists are bound to work amidst a spate of attacks, threats, harassment and obstructions without physical safety and professional security. No significant policy has been brought by the government that would encourage free press and enable environment for freedom of expression. Media are in need of keeping intact the credibility of their contents. With slightly liberal policy of government, the chance of rise in local media is high. The agencies to protect and promote journalists' rights need to rise above partisan interests. Exemplary court decisions though very few for journalist's rights can help other victimized journalists to voice for their rights. But as long as the instability continues in political sector, media would be at the receiving end.

