



media action nepal

# **Media Freedom and the Safety of Journalists in Nepal: A Gender Perspective**

**Universal Periodic Review Submission**

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**ARTICLE 19** (Est. 1987) is an international think–do organisation that propels the freedom of expression movement locally and globally to ensure all people realise the power of their voices. ARTICLE 19 speaks with one voice, through courts of law, through global and regional organisations, and through civil society wherever we are present.

**Media Action Nepal** (Est. 2015) works to promote freedom of expression, safety of journalists, right to information and media development. Our core working areas include media and journalism, human rights, media research, right to information, communication and policy advocacy. We are committed to making the media independent and accountable. Our goals: inclusive, independent and responsible media, and professional journalism, protection of human rights, strengthening of democracy.

## Summary

1. ARTICLE 19 and Media Action Nepal welcome the opportunity to contribute to the fourth cycle of the Universal Periodic Review (UPR) for Nepal. This submission focuses on media freedom and the safety of journalists, with a focus on gender and intersectionality, drawing on national consultations with women journalists and civil society organisations held in May 2025.
2. Although Nepal supported many recommendations related to the right to freedom of expression in the previous cycle, implementation remains weak. The persistence of a repressive legal framework and widespread impunity for attacks against journalists – especially harassment against women journalists and those that face multiple and intersecting forms of discrimination – has contributed to a deteriorating environment for media actors.
3. This submission analyses Nepal’s progress on implementing recommendations focused on the right to freedom of expression, media freedom and the safety of journalists in the previous cycle, and highlights further urgent gaps in law and policy. It calls for gender-responsive, intersectional reforms to uphold Nepal’s constitutional and international obligations leading into the fourth UPR. This submission also brings considerations around caste, digital security, and labour protections to the forefront, dimensions largely overlooked in previous cycles.

## Legal and Policy Framework

4. The Constitution of Nepal guarantees freedom of expression in Article 17, and the right to information in Article 27.<sup>i</sup> However, these rights have been increasingly undermined through repressive laws, including the Electronic Transactions Act (ETA), and proposed legislation such as the Social Media Bill and Media Council Bill, which lack transparency and restrict freedom of expression online.
5. In the previous cycle of the UPR, Nepal supported yet failed to implement recommendations from Brazil and Canada to generally revise legislation in order to guarantee the full respect of the right to freedom of opinion and expression and media freedom, while noting a specific recommendation from the United States to reform the ETA.<sup>ii</sup>
6. In 2025, some court interventions provided legal relief. One notable decision protected investigative media and other rulings prevented and ordered the release of arbitrarily arrested journalists.<sup>iii</sup> However, overall progress in aligning legal instruments with international standards remains insufficient.

### **Electronic Transactions Act (2008)**

7. Section 47 of the ETA criminalises the right to freedom of expression with vague provisions on the spread of any information “contrary to the public morality or

decent behaviour”.<sup>iv</sup> This is incompatible with Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which requires any restrictions on expression to be clearly outlined by law and “formulated with sufficient precision to enable an individual to regulate his or her conduct”.<sup>v</sup>

8. This Act has been used to arbitrarily arrest and detain or otherwise penalise journalists and those who criticise the government, powerful individuals, or institutions. The penalties include fines up to 100,000 NPR (728 USD) and/or imprisonment for up to 5 years, which are grossly disproportionate for speech-related offenses. The protections for the right to freedom of expression under Article 17(2)(a) of the Nepalese Constitution are directly undermined by this law.

### **Proposed Social Media Bill (2023)**

9. The Social Media Bill is proposed legislation that seeks to regulate online content on social media platforms.<sup>vi</sup> It lacks transparency and accountability around the moderation of online content and, if passed in its current form, will violate the rights to freedom of expression and data privacy.
10. The proposed Bill would grant government authorities sweeping powers to order the removal of content without following due process. It would require social media platforms to register with the government, enabling the authorities to demand arbitrary takedowns and surveillance of users on vague grounds,

including protecting national unity or public decency. Furthermore, it lacks judicial oversight and provides no appeal mechanism, violating due process rights.

11. It paves the way for censorship and control of online discourse, mainly by threatening journalists and activists, particularly those acting as government watchdogs. Civil society fears these provisions will stifle dissent, restrict access to information, and disproportionately impact women and those that face multiple and intersecting forms of discrimination.

### **Proposed Media Council Bill (2024)**

12. The Media Council Bill is another piece of proposed legislation that aims to replace the existing Press Council Nepal (PCN).<sup>vii</sup> However, existing provisions in the Bill would undermine press freedom and facilitate state control over media if it is passed in its current form. The Bill includes provisions for an appointment process heavily influenced by the Ministry of Communications and Information Technology, undermining the independence and impartiality of the Council.

### **Gendered Analysis**

13. The aforementioned laws fail to integrate an intersectional gender approach to regulating media and speech. They largely focus on criminalising content rather than promoting transparency and accountability around the processes and structures that moderate, platform, or enable expression.

## Safety of Journalists: A Deteriorating Landscape

14. Nepal ranked 90<sup>th</sup> in the 2025 World Press Freedom Index – dropping 16 places – reflecting a clear regression on the safety of journalists.<sup>viii</sup>
15. In the previous cycle of the UPR, countries including Estonia, France, Greece, and Iceland made recommendations related to the safety of journalists, including recommendations to ensure that no person is arrested for peacefully exercising their rights and that excessive force be investigated and sanctioned fully.<sup>ix</sup> Despite Nepal's support for these recommendations, harassment, arbitrary detentions, and other attacks against journalists continue.
16. Between 2023 and 2025, over 70 journalists faced physical or legal threats. The killing of journalist Suresh Rajak during his coverage of a protest<sup>x</sup> and attacks on reporters like Sabina Karki illustrate the extreme risks journalists endure in the country.<sup>xi</sup>
17. Nepal's law enforcement and security agencies continue to operate with impunity, particularly during protests, and no visible progress has been made toward implementing accountability measures. This is compounded by a lack of mandatory human rights training for law enforcement.
18. While civil society efforts have increased the visibility of the risks faced by journalists, systemic protections – including protections that account for

gendered violence – such as investigations into attacks, emergency safety protocols, and judicial redress, remain largely absent.

19. In particular, harassment of women journalists is normalised and largely ignored by employers, with no mandated complaint systems in most media houses. Newsrooms still stereotype women and often exclude them from decision making roles and from reporting on beats considered more “masculine”, such as politics. Between 2023 and 2024, 29 women journalists reportedly left the profession due to workplace hostility.<sup>xii</sup>

## Digital Rights

20. In the previous UPR cycle, Nepal supported a recommendation from Estonia to protect freedom of expression online.<sup>xiii</sup> However, the right to freedom of expression online remains under threat.

21. The authorities continue to invoke the aforementioned ETA to silence dissent and have proposed laws to ban platforms without due process. In November 2023, the authorities banned TikTok on the grounds that it was disrupting social harmony and blamed it for a flow of “indecent materials” and ordered telecommunications companies to block access to the app.<sup>xiv</sup> In August 2024, the ban was lifted after nearly nine months.

22. Nepali authorities continues to use the ETA to arrest individuals over social media content. The PCN's expanded oversight of online platforms and the conviction of journalists under contempt of court further reveal how online freedom of expression is being curtailed through legal and judicial overreach.<sup>xv</sup>

23. Online harassment – especially gender-based abuse such as doxing, trolling, and threats of sexual violence – is rampant, and no dedicated response mechanisms currently exist. Nepal's failure to safeguard online spaces particularly endangers women journalists and the those that face multiple and intersecting forms of discrimination, reinforcing gendered self-censorship.

## **Trade Unions and Labour Rights**

24. Despite repeated calls to guarantee the effective and independent functioning of trade unions and to ratify ILO Convention No. 87, Nepal has made little to no progress toward fulfilling these commitments. This inaction is especially troubling given the widespread economic hardship faced by journalists.

25. The Minimum Wage Fixation Committee (MWFC) for Journalists remains ineffective in enforcing wage standards. Its inability to monitor or implement the Working Journalists Act (WJA) has allowed media houses to underpay or exploit

journalists with limited accountability. These conditions disproportionately affect women journalists, leading to systemic gender-based discrimination both within and outside the newsroom.

26. Women journalists in particular face double discrimination – not only are they underpaid or unpaid for equal work, but they are also often denied the right to maternity benefits and equal opportunities to enjoy job security and career advancement. The existence of a stark pay gap for the same roles and responsibilities is a persisting problem.

### **Structural and Gendered Vulnerabilities Overlooked**

27. While previous recommendations to Nepal broadly addressed legal reforms and the safety of journalists, they mostly overlooked the gendered and caste-based discrimination faced by journalists. As mentioned, women journalists report widespread in-house harassment, character assassination, and exclusion from leadership roles, which drives some out of the profession. This discrimination is often amplified for Dalit women. This points to an oversight in past recommendations, which did not fully integrate a feminist or intersectional lens in their framing.

28. The 4th Cycle provides an opportunity to recommend mandatory maternity insurance, zero-tolerance harassment policies, and targeted job security for women journalists. These are vital additions if Nepal is to meet its obligations under Article 21 and 22 of the ICCPR, which guarantee the right to peaceful assembly and association, including within discrimination-free environments, per Article 26 of the ICCPR.

## **Key Recommendations for the Fourth UPR Cycle**

ARTICLE 19 and Media Action Nepal propose the following recommendations to be made to Nepal in the 4<sup>th</sup> Cycle of the UPR:

### **Legal and Policy Framework**

- Repeal Section 47 of the Electronic Transaction Act (ETA) and ensure the law is in full compliance with international human rights law and standards, particularly the right to freedom of expression.
- Withdraw and revise the proposed Social Media Bill to bring it in line with international human rights law and standards, particularly the right to freedom of expression, and to ensure transparency, data privacy, and judicial safeguards.
- Revise the Media Council Bill to establish an independent, pluralistic, and accountable body with balanced representation that is free from government control.

- Align all media-related laws with Articles 17, 19, and 27 of Nepal’s Constitution and Articles 19 and 26 of the ICCPR.

### **Safety of Journalists**

- Conduct impartial, prompt, thorough, independent and effective investigations into all alleged cases of violence, threats and attacks against journalists and media workers, and ensure that perpetrators are brought to justice and victims and their families have access to appropriate restitution, compensation and assistance. Ensure that investigations take gendered threats and violence into account and make positive efforts to address the underreporting of threats and violence that primarily impact women, especially those facing multiple and intersecting oppressions.
- Implement mandatory training and awareness raising for law enforcement personnel regarding States’ obligations under international human rights law and States’ commitments relating to the rights to freedom of expression and peaceful assembly, media freedom, and the safety of journalists.
- Strengthen and operationalise the existing mechanism to safeguard journalists within the National Human Rights Commission (NHRC), ensuring it is adequately resourced and has clear procedures to provide timely protection, especially for women journalists and journalists facing multiple and intersecting oppressions, and that this is developed through broad-based engagement with civil society organisations.

- Ensure transparent, independent and inclusive leadership in media regulatory bodies, such as the Press Council Nepal.

### **Media Protections with an Intersectional Gender Lens**

- Adopt comprehensive and human rights-based public policy measures that protect women and journalists that face multiple and intersecting forms of discrimination from online harassment and abuse, including trolling, doxing, and threats of sexual and other violence.
- Ensure maternity protections, anti-harassment policies, and equal pay for equal work for women journalists and those that face multiple and intersecting forms of discrimination, and take positive steps to promote leadership opportunities and end exclusionary practices in newsrooms.

### **Digital Rights**

- Cease the banning of digital platforms and extrajudicial demands on digital platforms to censor or remove third-party content.

### **Economic and Career Security**

- Ratify and implement ILO Convention No. 87 on freedom of association to protect union activity in media workplaces.
- Revitalise and empower the Minimum Wage Fixation Committee (MWFC) with enforcement capacity.

- Fully enforce the Working Journalists Act, including through ensuring fair job contracts, timely pay, insurance, and maternity support.

## Accountability

- Strengthen the transitional justice system, including by revising and empowering the mandates of the Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP), to ensure justice for victims of the decade-long conflict in Nepal.

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## Endnotes

<sup>i</sup> The Constitution of Nepal (2015). Retrieved from: [https://ag.gov.np/files/Constitution-of-Nepal\\_2072\\_Eng\\_www.moljpa.gov\\_.npDate-72\\_11\\_16.pdf](https://ag.gov.np/files/Constitution-of-Nepal_2072_Eng_www.moljpa.gov_.npDate-72_11_16.pdf).

<sup>ii</sup> Recommendations 159.73 (Brazil), 159.104 (Canada) and 159.89 (United States).

<sup>iii</sup> Media Action Nepal (2025), “Media Action Nepal welcomes court orders upholding press freedom”. Retrieved from <https://mediaactionnepal.org/media-action-nepal-welcomes-court-orders-upholding-press-freedom/>.

<sup>iv</sup> The Electronic Transactions Act (2008). Retrieved from: [https://radiantca.com.np/assets/nav\\_file/Electronic%2520Transaction%2520Act%25202063.pdf](https://radiantca.com.np/assets/nav_file/Electronic%2520Transaction%2520Act%25202063.pdf)

<sup>v</sup> Human Rights Committee (2011). “General Comment 34”. Retrieved from: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no34-article-19-freedoms-opinion-and>.

<sup>vi</sup> Media Action Nepal (2024). “Proposed social media bill puts the yardsticks set by the constitution for freedom of expression in jeopardy”. Retrieved from <https://mediaactionnepal.org/wp-content/uploads/2024/04/Media-Action-Nepal-Analysis-of-the-Social-Media-Bill.pdf>

<sup>vii</sup> Media Action Nepal (2025). “Government control over Media Council to muzzle independent journalism in Nepal”. Retrieved from: <https://mediaactionnepal.org/government-control-over-media-council-to-muzzle-independent-journalism-in-nepal/>.

<sup>viii</sup> Reporters Without Borders (2025). “World Press Freedom Index”. Retrieved from: <https://rsf.org/en/index>.

<sup>ix</sup> Recommendations 159.77 (Estonia), 159.78 (France), 159.79 (Greece) and 159.81 (Iceland).

<sup>x</sup> Media Action Nepal (2025) “Journalists burned to death, injured, media houses attacked amid pro monarchy protest in Nepal”. Retrieved from: <https://mediaactionnepal.org/journalists-burned-to-death-injured-media-houses-attacked-amid-pro-monarchy-protest-in-nepal/>. Media Action Nepal (2025).

<sup>xi</sup> Media Action Nepal (2025). “Media Action Nepal urges police accountability after journalist Karki injured”. Retrieved from: <https://mediaactionnepal.org/media-action-nepal-urges-police-accountability-after-journalist-karki-injured/>.

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- <sup>xii</sup>Media Action Nepal (2024). "Press Freedom Annual Report". Retrieved from <https://mediaactionnepal.org/report/media-under-threat-trends-cases-of-press-freedom-in-nepal/>.
- <sup>xiii</sup> Recommendation 159.77 (Estonia).
- <sup>xiv</sup> BBC (2023). "Nepal bans TikTok citing disruption to social harmony". Retrieved from: <https://www.bbc.co.uk/news/business-67411535>.
- <sup>xv</sup> Media Action Nepal (2024). "Accusations of fake news should be subject to rigorous validation through transparent legal process". Retrieved from <https://mediaactionnepal.org/accusations-of-fake-news-should-be-subject-to-rigorous-validation-through-transparent-legal-process/>.