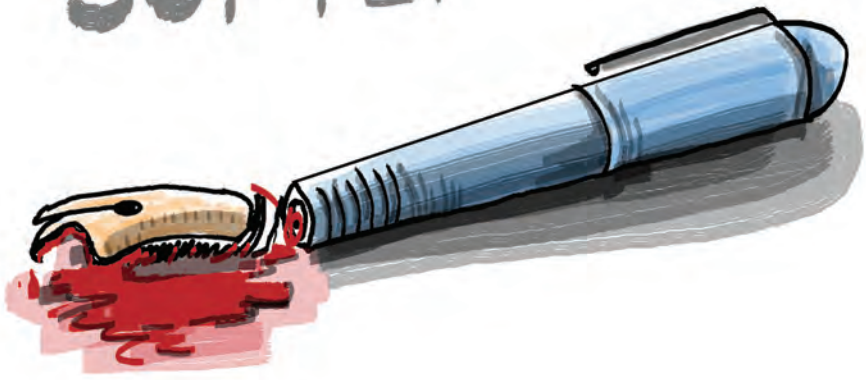


# KILLING JOURNALISM SOFTLY



**Binod Bhattarai**  
**Raghu Mainali**

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SOFTLY**



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Alliance for Social Dialogue

ISBN: 978-9937-2-8480-6

First published, August 2014

Cover design: Rajesh KC  
Book design: Chiran Ghimire

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Printed in Nepal

Rs. 300/-

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## Publisher's note

*Killing Journalism Softly* is an expanded version of an earlier publication that was first published as *Mero Patrakaritako Khabar* (News about My Journalism). That book was written based on the experiences of journalists who participated in discussions and surveys with us, and is, therefore, a story about every journalist who joined us in this effort.

The support by Alliance for Social Dialogue (ASD) to this study was for assessing self-censorship in the media, and also to identify how to devise possible response mechanisms. The dialogues on self-censorship were designed to include a survey of willing participants, and their responses essentially form the content of this report.

ASD's work on the media has always focused on issues of a free press, safety and security of journalists, and professional journalism. It has been organising dialogues on these issues since its establishment. Analysing the debates and discussions over the year, it became evident that despite the vibrancy, and the free and independent nature of Nepali journalism, self-censorship remained a major factor that hindered free flow of information.

While the environment for the opening and operation of private and community media became conducive after the 2006 People's Movement, reporters were also exercising self-censorship. Since producing news and reports based on facts is the duty of a journalist, this stepping back influenced the content and therefore information remained hidden or partial, thereby constraining the public's right to know. In a democratic society, it becomes essential to develop an environment where journalists and media are free to report without any fear in order to play the part of society's watchdog. The role of civil society and the public is also equally important as the growth of independent and professional journalism depends on their support. It



is, therefore, necessary to start a discussion on the challenges faced by journalists to ensure the difficulties they face do not influence news reporting.

ASD thanks all the journalists who participated in the discussions and surveys. We also thank The Writing Workshop for adapting and updating the publication for a wider audience. Finally, ASD hopes this publication will contribute to a better understanding of journalism in Nepal and assist in the on going media development efforts for targeting interventions in areas where they are required, and is possible.

**Alliance for Social Dialogue**

## Foreword

Majority of the influential editors of the broadsheet dailies, television channels and radio stations would confidently assert that they have been pretty much free to disseminate whatever they want through their media. When they are confidently proclaiming the freedom of the press after 2006 people's movement and subsequent promulgation of the interim constitution, they are mainly referring to the government-imposed censorship. In that sense, they are not wrong. All governments after 2006 have ensured total press freedom, and the media have been free to criticize even the head of the government.

But that is only a part of the story. In fact, Nepali press is only "Partially Free" as the Freedom House index says, which journalists Binod Bhattarai and Raghu Mainali also say in this book. And I agree with the core message of this book. Irrespective of the beliefs of senior journalists and the editors about freedoms, journalism is dying a slow death in Nepal.

Journalism cannot be free only because there are constitutionally guaranteed freedoms. There are various obstacles on the road to freedom and these have resulted from lack of competence, financial insufficiency to run media, political affiliation, corporate interests, criminal interests, and all. This book by Bhattarai and Mainali elucidates the pressure points, and portrays how journalists kneel down in the face of those hurdles. Nepali journalism is embracing self-censorship in the name of survival, at both the central and local levels, and that process is killing journalism.

The political affiliation of Nepali journalists is the first and foremost cause of self-censorship in Nepal. Most of the journalists have memberships in journalist organizations, which are again affiliated to one or the other political party. So, some journalists are continuously trying to protect 'bad' news about one party or other, or always trying to over-expose whatever

information on small lapses they manage to collect about the 'other' party. In a way, the overall coverage of political news is balanced due to two opposite extreme points, but only for the people who can afford time and money to scan through different media and have ability to analyse the news.

The mafia and corporates are behaving correspondingly, as if in unison, to gag the press. At the central level the corporates have become very powerful in controlling media, at least not to let it go against them. Some of the corporates have become so intolerant that the inference of their brand in some features would also be vehemently opposed. The editors are forced to comply to their demands timidly, if not they lose heavily on advertisements they pull out. At the local level, the mafia have a similar impact. Their existence and their illegal transactions are not unknown to local journalists, but they cannot report about them. They willingly impose self-censorship, also because they are receiving some favours. Even if they are not, they cannot take stand against the criminals, who can physically harm them or their families. In the absence of government protection, and the apathy of their central offices, the journalists are but forced to resort to practicing self-censorship.

*Killing Journalism, Softly* is about the past, present and future of censorship and journalism in Nepal. This book depicts the situation of the press freedom in the country, beyond the legal guarantees. Coming from two veterans of the Nepali media, it is must read for all who are concerned about the people's right to know and press freedom in this new republic.

Though this book is mainly about self-censorship, the writers may as well plan to write another one on censorship by government. As I sit down to write this, the democratically elected government after the November 2013 elections seems all set to curb press freedoms. A bill tabled in parliament by the government on contempt, in the name of protecting the public image of the judiciary, seeks to curb some freedoms guaranteed by other laws to media and journalists. If the bill is passed without

changes, Nepal could jump into the 'not free' category on the Freedom House index. I hope researchers and writers on press freedom spot the deterioration in the free expression environment sooner, and bring it to the public's notice.

13th July 2014

**Prateek Pradhan**  
Editor-in-Chief  
*Nagarik* (Nepali National Daily)



## Acknowledgements

We are indebted to all the participants who volunteered their time in the self-censorship discussions and surveys because without your participation we would not have been able to even scratch the surface of the rot that is beginning to take root in Nepali journalism. We also thank Bishnu Nisturi for his support in facilitating the discussions and helping raise the most pertinent issues.

The English version of the publication would never have seen the light of day had it not been for the confidence of Martin Hala, Asia Regional Manager at Open Society Foundations, and the team at Alliance for Social Dialogue (ASD) in Kathmandu in the authors and The Writing Workshop. They saw the need for a closer look at self-censorship in Nepali journalism and also believed this was a subject too important to be limited to the Nepali language only. At ASD, Shehnaz Banu made sure that we were on schedule, facilitated the discussions and surveys done in different parts of the country, and provided us additional research assistance and access to recordings and documents from the discussions. We thank the ASD team, particularly Hari Sharma, Prem Sapkota and Shehnaz Banu.

A book is never complete without a critical pre-publication review. Deepak Thapa not only edited the copy but also provided critical feedback on the content. Thank you. We are also grateful to Prateek Pradhan for agreeing to write the Foreword to the publication and Rajesh K.C. for designing the cover. Finally, we thank Chiran Ghimire for the design and layout of this publication.

**Binod Bhattarai**  
**Raghu Mainali**



PART-I  
**Self-censorship  
in the Nepali media**







June 1, 2001 was the day Nepal's post-1990 journalism faced its first real test. It was the day when an inebriated Crown Prince Dipendra is said to have opened fire with automatic weapons and massacred his entire family.

The shootout took place at a family gathering at the Narayanhiti Royal Palace. More details began emerging the same day, some confirmed and some unconfirmed and by midnight or so it became evident that the king was dead and several members of the royal family seriously injured. Crown Prince Dipendra remained in a state of coma for several days.

The same night – or, rather, past midnight and in the early hours of 2 June – a journalist sat down to write the story for an international publication. He had passed on the sketchiest details possible. The journalist had by then received confirmation about even the make of the weapons used by the Crown Prince to shoot himself and his family, but had not mentioned the information that was at the time available only to a knowledgeable few. The idea of keeping this and other details out was the dilemma he faced as he pondered what to write and what not to.

The Nepali newspapers on the day after the massacre had little or no information on the news that had spread all night. State radio and television stations had been playing mourning tunes, indicating something was not normal but nothing was broadcast until what eventually came out was already fairly well known in Kathmandu because the international media had been on the story from the very beginning. Eventually, the state broadcasters read out the official statement from the royal palace that the royal family had been killed by a 'sudden burst of automatic weapons' (*aakasmik rupma swachalit hatiyar padkina ga-yi*).

Nepal's media had become free for the first time after the political change in April 1990 when a constitutional monarchy and multiparty democracy replaced 30 years of rule by the monarchy. Media laws were revised after 1991 to provide press freedom comparable to many Western democracies. In 1991 and

1992, for example, Freedom House listed Nepal in the ‘free’ category<sup>1</sup> in terms of political rights and civil liberties, a proxy for the environment for journalists operate in. However, a violent conflict in Nepal that began in February 1996 and its escalation later had constricted those freedoms gradually. Also, given that the royal palace was still a power centre in its own right, there were still uncertainties within the media (and also the government) on how to cover news about the royal family and that became particularly pertinent in the aftermath of the royal massacre. That was because royalty was above the law prior to 1990, and to some extent even after because the constitution provided certain protections to the king and his family.<sup>2</sup> That explains the media reaction whereby some pretended not to know, while others provided some indication that something had happened but did not tell the full story.

Among others, a reporter from the national daily, *Nepal Samacharpatra*, was at the right place at the right time: at the military hospital in Kathmandu where those wounded in the shootout had been taken. He went to his office after witnessing a sight that was both tragic and unbelievable. The next day, the newspaper came out with an eight-column headline that said: *Rajdarbarma goli kanda, kaiau hatahat, Rajarani ra Yubarajko Abastha Adhikarik roop ma apusta* (Shooting incident in the Royal Palace, Condition of King, Queen and Crown Prince not officially confirmed). The newspaper headline did hint that there was also a different but ‘unofficial’ version of the story that the reporter had witnessed at the hospital.

The news item simply said that there had been sudden shooting in the royal palace and that the king had been shot. It added

1 [www.freedomhouse.org](http://www.freedomhouse.org).

2 In a Right to Information litigation, Radhyeshyam Adhikari vs. His Majesty’s Government Council of Ministers, Writ No. 989, Decision date 30 March 1992, the court ruled that communication between the government and the king was protected. Tara Nath Dahal and Rishiram Ghimire (eds), *Sarbocha Adalatbata bhayeka Suchanara Sanchar Sambandhi Faisalaharu* (Kathmandu: Freedom Forum, 2013), p. 268.

that the king's condition was 'not confirmed' until 3 am in the morning (which, however, was not what the reporter saw). It went on to name others who 'had been hit by bullets' and said that even though its sources had said that 15 of those shot had been killed, the information could not be confirmed officially. The four-column story had pictures of the royal family, and another double-column story on the constitutional provision for succession to the throne.<sup>3</sup> (See box 2 for an account on what its reporter saw that day on page 36).

The other daily newspaper that published something on the massacre was *Spacetime*. A copy of the paper was not available at the Press Council Nepal archives and therefore it is not possible to say what the paper had reported. But from recollections of the staff then working for paper it can be said that it did not say anything more than what *Nepal Samacharpatra* had published. According to Surya Khadka, the paper had 'confirmed' information that the king, queen and members of the royal family had been 'shot'. He claims that the story was similar to *Samacharpatra*, because he says, 'Even *Samacharpatra* had not been able to say anything more than that there had been an incident.'<sup>4</sup> On the 3rd of June, the government-owned *The Rising Nepal* said that King Birendra had died at 9.15 pm on the day of the shooting, which confirms the account of the *Samacharpatra* reporter at the military hospital.<sup>5</sup>

The other major newspapers were conspicuous by their silence. On June 2, *The Kathmandu Post* had 'Smugglers fell over 5000 trees in Banke' and 'Khadka seeks Koirala's support' as the main headlines on Page 1. Its sister publication, *Kantipur*, also had other political stories but nothing on the events at the royal palace. It did put out a supplement later on 2 June with a banner headline that translated roughly as: 'Crown Prince Dipendra named king, His Royal Highness Gyanendra Regent'. There was

3 *Nepal Samacharpatra*, 2 June 2001.

4 [www.mysansar.com/2014/06/12763](http://www.mysansar.com/2014/06/12763) (viewed 3 June 2014).

5 *The Rising Nepal*, 3 June 2001.

a sub-heading that said: ‘Gory murder at the royal palace, His Majesty Birendra, Her Majesty Aishwarya, Prince Nirajan and five others dead.’ On the same day, *The Rising Nepal* had a headline that could not have been more inappropriate: ‘His Majesty Felicitates’. It was a story about the king congratulating the Italian president on its National Day. The other main story was headlined: ‘Follow policy decisions, PM directs ministries.’<sup>6</sup>

### **Censorship and self-censorship**

The Oxford Dictionary describes self-censorship as ‘the exercising of control over what one says and does, especially to avoid criticism.’<sup>7</sup> This could apply to most types of social interactions, including that with close friends. Everyone has some people with whom they discuss many more matters than they would with others. This is a form of self-censorship that takes place in daily interactions.

This publication focuses on self-censorship among journalists and the media very broadly defined to include media owners, media workers and others engaged in other forms of exchanging information because their silence or unwillingness to pass on all relevant information they gather affects the conduct of informed dialogue in a democracy. Self-censorship in journalism is a process whereby journalists themselves, their owners or others working in the media do not reveal all information relevant to their audiences for many reasons, including fear of intimidation or to purposefully favour one or many sides/arguments in news reports.<sup>8</sup> It is an act of knowingly – sometimes for wrong/bad intentions – excluding information or distorting or under-reporting information that would be in the public interest.<sup>9</sup>

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6 Newspaper clippings obtained from Press Council Nepal.

7 Oxford Dictionary of English (computer version).

8 ‘News reports’ here refer to all formats in which information is presented to the public through all types of media.

9 A legal definition of public interest is *anything affecting the rights*,

Self-censorship is not limited to journalism. Studies elsewhere have attempted to understand how it affects research as well as the academia. 'Self-censorship is censorship that lies outside the direct influence of the state...', says Jacob Jaygbay in a paper that examines it in academia. He looks at 'those forms of censorship that take place within the academic community itself, those imposed by the structure and content of education and those emanating from societal pressure.'<sup>10</sup> Further, it is difficult to draw the line between censorship and self-censorship. Cohen, for example, argues that self-censorship is a form of censorship because an individual can internalise public forms of censorship.<sup>11</sup> Cook and Heilmann essentially contend that 'public self-censorship refers to a range of individual reactions to a public censorship regime (and) private self-censorship is the suppression by an agent of his or her own attitudes where a public censor is either absent or irrelevant.'<sup>12</sup>

This publication does not look into self-censorship in social interactions but attempts to explore how it impacts information carried by the mass media. Self-censorship has been a subject that has been widely discussed in Nepal, particularly after 1996 when the Maoists launched their violent insurgency. But, it has remained a topic that has not been explored for a deeper understanding of how it works and what causes individual journalists to engage in self-censorship. Discussions with journalists held in 2011-2012 suggest that it is widespread and takes place at

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*health, or finances of the public at large.* Public interest is a common concern among citizens in the management and affairs of local, state, and national government. It does not mean mere curiosity but is a broad term that refers to the body politic and the public weal. A public utility is regulated in the public interest because private individuals rely on such a company for vital services. (legal-dictionary.thefreedictionary.com/Public+Interest, viewed 23 May 2014).

<sup>10</sup> Jacob Jaygbay, 'Self-Censorship in African Scholarship and Scholarly Publishing', *Journal of Scholarly Publishing*, Vol. 29 Issue 2, 1998, p. 112.

<sup>11</sup> M. Cohen, *Censorship in Canadian Literature* (London: McGill-Queen's University Press, 2001) cited in Philip Cook and Conrad Heilmann, 'Two Types of Censorship: Public and Private', *Political Studies*, Vol. 61, 2013, pp. 178-196.

<sup>12</sup> Cook and Heilmann, *op cit*, p. 178.

several levels: among reporters, editors, and media associations, and also at the instructions of media owners. This book tries to identify the factors that cause journalists to self-censor their work at different levels within the profession of journalism.

There are many factors that cause self-censorship. Going by the Propaganda Model, money and power come into play ‘to filter out the news fit to print, marginalize dissent, and allow the government and dominant private interests to get their messages across to the public.’<sup>13</sup> The ‘news filters’ in the Herman and Chomsky model are as follows:

- The size, concentrated ownership, owner wealth and the profit orientation of the dominant mass-media firms,
- Advertising as the primary income source of the mass media,
- The reliance of media on information provided by government, business and ‘experts’ funded and approved by these primary sources and agents of power,
- ‘Flak’, as a means of disciplining the media, and
- Anticommunism as a national religion and control mechanism.

Herman and Chomsky maintain that the aforesaid elements interact with and reinforce one another and that the raw material for news must pass through successive filters, leaving only the cleansed residue fit to print. ‘They fix the premises of discourse and interpretation, and the definition of what is newsworthy in the first place, and they explain the basis and operations of what amount to propaganda campaigns.’

How does the Propaganda Model discussed above explain self-censorship? Essentially, one could argue that similar forces or filters are at work, and the only difference is that they take effect at the level of the individual journalist. Filters such as

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<sup>13</sup> Edward S. Herman and Noam Chomsky, *Manufacturing Consent: The Political Economy of the Mass Media* (London: Vintage, 1994), p. 2.

orientation towards profit among journalists, reliance on information provided by the type of sources discussed above, and flak could also explain self-censorship to some extent. Advertising in an ideal world would not be considered to be a filter for journalists with regard to self-censorship even if it could be a motivation for owners to pander to the interests of businesses. But, given that in Nepal some owners even assign journalists to collect advertisements, there could be some degree of self-censorship that is intrinsic to the job. Further, while anti-communism may not be universal among journalists – definitely not in Nepal where the leadership of the Federation of Nepali Journalists (FNJ) elected in 2014 was largely made up of journalists espousing one leftist ideology or another – another factor that could explain self-censorship is the very strong political partisanship that exists in the Nepali journalist community.

The operating environment is a strong factor that influences both censorship and self-censorship. Natasha Schmidt writes, ‘We’re still living in a world where writing can be a dangerous business. Writers are locked up for exercising their right to free speech; torture, intimidation and legal recourse are still among the tactics used to silence them.’<sup>14</sup> That is still true in many countries of the world. But even in countries that do not jail journalists, fear of torture, intimidation or legal battles cause many journalists to under-write or under-report, defeating the concept of a free press and the right of everyone to express their opinions freely. When this happens, the immediate information needs of the people remain unfulfilled or information may be distorted by rumours that surely arise to fill the vacuum. This is what sets off the process of killing debate and eventually democracy gently but surely, because the absence of informed debates perpetuates a cyclical process of deterioration of the values on which democratic governance is built. This is also a situation

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<sup>14</sup> Natasha Schmidt, ‘Strength in numbers’, *Index on Censorship*, Vol 39 No 4, p. 1/5, [www.indexoncensorship.org](http://www.indexoncensorship.org) (online version: <http://ioc.sagepub.com/content/39/4/3>).



where dialogic decision-making is replaced by the dictates of those who control media or provide information, as Herman and Chomsky suggest.

Generally, censorship proper is understood to be one that involves the use of external force or legal measures for ensuring compliance. Nepal's media experienced such constrictions not so long ago following the imposition of direct rule by King Gyanendra in February 2005, when the government decreed what could be communicated through the media and what could not, and had sent soldiers and police officials to media companies to ensure compliance.<sup>15</sup> Self-censorship does not always involve the overt use of force or legal measures for enforcement but often results from a number of externalities that are not very obvious but exist and influence the decision-making process. Such externalities could be conflicts, as was the case in Nepal between 1996 and 2006, and emergency rule when governments issue orders directing the media on what is permissible and what is not, which is also not unknown to Nepal.

Further, conflicts create an environment where there is fear and uncertainty about what can be said and what cannot be because both what is said or left unsaid could be met with violence. There was no retaliation for every news report published or broadcast during Nepal's conflict but the instances of journalists killed or were caused to disappear during the period and also after 2006 suggest that certain journalists were targeted for the journalism they did (See Box 1, page 26). These incidents had a 'chilling effect' across the profession, particularly because of the impunity enjoyed by those accused for the attacks and murder of journalists, and this affected journalists' conceptions of what they could report 'safely' and could not.

Broad and unclear restrictions on free expression when backed by government authority can also be a cause of self-censorship. For example, the government had made rules barring

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<sup>15</sup> Binod Bhattarai, 2005. See also Binod Bhattarai, 2006, pp. 136-153.

the media from reporting anything that ‘instigated terrorism and terrorist acts’ during Nepal’s conflict years. Not unnaturally, journalists were confused by how such terms should be interpreted given that they are not neutral, even if they wanted to comply. This is because terms such as ‘terrorism’ and ‘terrorist’ are loaded and can mean different things to different individuals. Such unclear rules can often cause journalists to ‘play safe’ and remain within the boundaries of what they perceive to be safe, often not reporting what they ought to in the interests of the public. In such situations even though there is no one giving instructions to journalists or ensuring compliance directly, the fear of uncertainty can infect and control the minds, eventually affecting the output.

Another example of a vague rule is the restrictive clause in the proposal prepared for the new constitution, which could possibly extend to rules framed after it is promulgated. It is about the use of broad terms such as ‘nationality’, ‘harmonious relations’, which have been dissected by Toby Mendel, where he argues ‘that debates about nationality and criticism of existing rules on nationality fall within the scope of protected speech, as long as they do not incite others to violence (or hatred or discrimination).<sup>16</sup> Similarly, he also finds fault with the use of language in the restrictive clause on free expression: ‘under international law, statements which merely “jeopardize harmonious relations” cannot be prohibited, as long as they do not constitute incitement.’ While such broadly worded laws can cause governments to interpret them to suit their interests and even censor the media, the lack of clarity can also prejudice journalists towards their own writing. Such a tendency can stifle debate on legitimate issues.

In the same spirit, a submission by Article 19 and Freedom

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<sup>16</sup> Toby Mendel, ‘International Fact Finding and Advocacy Mission to Nepal, 23-27 February 2012, Analysis of Constitutional Proposals on Freedom of Expression, Media Freedom and The Right to Information, March 2012’. (unpublished)

Forum to the Universal Periodic Review, found similar broad phrases in the Interim Constitution 2007. They found the restriction for protecting, ‘harmonious relations subsisting among the peoples of various castes, tribes, religions or communities’ (Article 12 Para 3 (1) as well as Article 14 of the Press and Publication Act 1991 and Article 15 of the National Broadcasting Act 1993) problematic.<sup>17</sup> Such laws and rules can have a chilling effect among journalists and can lead to self-censorship.

As Cook and Heilmann suggest, the environment does influence self-censorship and the self-censorship they refer to include a range of individual reactions to a public censorship regime. They add,

Self-censorship thus understood means that individuals internalize some aspects of the public censor and then censor themselves. Second, private self-censorship is the suppression by an agent of his or her own attitudes where a public censor is either absent or irrelevant. Private self-censorship is a process of regulation between what an individual regards as permissible to express publicly, and that which he or she wishes to express publicly. (Page 179)

Self-censorship is obviously not a uniquely Nepali phenomenon. Cook and Heilmann studied self-censorship following the controversy over the publication in 2005-06 of caricatures of Prophet Mohammad in *Jyllands-Posten*, Denmark’s largest newspaper. The culture editor of the newspaper, Flemming Rose, had defended the publication ‘as an act of defiance against increased self-censorship by artists and publishers on

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<sup>17</sup> The report says, ‘While it is important to promote harmonious relations, this restriction is too broad and can undermine legitimate expression such as a frank discussion about the caste or ethnic discrimination which is a prevalent issue in Nepal. [www.article19.org/data/files/medialibrary/1584/10-07-06-UPR-nepal.pdf](http://www.article19.org/data/files/medialibrary/1584/10-07-06-UPR-nepal.pdf) (viewed 23 January 2014.)

issues relating to Islam',<sup>18</sup> which is related to the external environment. A similar environment-induced self-censorship was rampant in Nepal throughout the conflict years and continued after 2006, particularly in the wake of identity-movements and the associated violence in Nepal's Tarai plains and among the indigenous nationalities in hills.

There has been considerable examination of self-censorship among different social groups after Noelle Neumann theorised about the 'spiral of silence' that it is essentially 'the increasing pressure people feel to conceal their views when they think they are in a minority.'<sup>19</sup> Accordingly, when individuals get a 'quasi statistical sense' about public opinion on an issue, they then 'assess to what degree their opinion is congruent with the majority opinion and, based on the level of public support they feel for their position, they either decide to engage in public debate or retreat from it. Spiral of silence theorists argue that a fear of social isolation drives this desire to self-censor.'<sup>20</sup>

Independent research has found support for this theory among different professional and social groups, and one study found that it also applied to the environment in which journalism is practised. According to Filak<sup>21</sup> and Price, 'freelance news photographers were likely to fit the pattern of the spiral if they felt isolated from others in their field. When they felt part of a larger group, they were more likely to express themselves,

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18 In Cook and Heilmann, op cit, p. 178.

19 Elisabeth Noelle-Neumann, 'The Spiral of Silence', in Em Griffin, *First look at Communication Theory* McGraw Hill (<http://www.afirstlook.com/docs/spiral.pdf>).

20 Vincent F. Filak, Scott Reinardy and Adam Maksl, 'Expanding and validating applications of the willingness to self-censor scale: Self-censorship and media advisors' comfort level with controversial topics,' *Journalism and Mass Communication Quarterly*, Vol. 86 No. 2, Summer 2009, pp. 368-382.

21 This study drew inspiration from Filak but did not attempt to measure the WTSC index. Instead it has attempted to set a baseline of sorts to understand how widespread self-censorship is, where and how does it take place, to attempt to understand what could be done to address the problem.

even in the face of a hostile crowd.’<sup>22</sup> There are other studies that instead suggest that ‘not everyone is equally susceptible to social conditions that can lead to self-censorship.’<sup>23</sup>

Hayes, Glynn, and Shanahan used the ‘willingness to self-censor’ (WTSC) scale and tried to assess the willingness. Accordingly, the participants who rated higher on the WTSC scale were less likely to express themselves in a situation they considered unfavourable. The findings suggested that:

Self-censors were more anxious about communicating with others, more likely to worry about what other people thought about them, and were lower in self-esteem. Thus, when faced with situations in which self-censors might be called upon to defend an unpopular opinion, they are likely to acquiesce to the demands of superiors.<sup>24</sup>

According to Cook and Heilmann, ‘a censorship regime may object to certain kinds of content that offend against public decency or religious orthodoxy, or a censorship regime may object to how views are expressed, such as the Puritans’ bans on theatre.’<sup>25</sup> They continue that such regimes will also normally provide a justification or defence of their censorship. Thus, censorship regimes may be justified on such grounds as national security, public order or democratic equality. Further, while censorship regimes are similar, they also differ on how they enforce the controls. ‘Different censorship regimes may rely on their power to suppress expression, for example by closing down newspapers or preventing access to the Internet, while others may use their moral or institutional authority to enforce.’<sup>26</sup>

Cook and Heilmann further argue that censorship regimes

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22 In Filak, Reinardy and Maksl, op cit, pp. 370-371.

23 Ibid, p. 371.

24 Ibid.

25 Cook and Heilmann, op cit, pp. 180-181.

26 Ibid.

can be more or less successful and in extreme cases succeed in 'brainwashing' those censored 'such that they create a perfect fit between the permitted expressions and the actual expressions of censees'. They say that such regimes do not aim to change the private attitudes of those subjected to censorship as long as the censored attitudes are not expressed or not acted on. In other words, it is a situation where those censored can have two different kinds of attitudes: those that are privately held, and those that are expressed publicly. Their arguments are not dissimilar to the experience of journalists working in the Nepali government media before the 1990s. While privately many of them were opposed to the regime and controls on expression privately, publicly they were, as Cook and Heilmann, would say 'a perfect fit between the permitted expressions and the actual expressions.'

How journalists self-censor their own work depends on where they work, one of the factors examined by this study. One of the most common ways in which censorship works is through naming individuals or avoiding any mention of them. Reviews by publishers of materials for publication can become channels for exercising control, and this is not unique to Nepali newspapers. In 2006, Jim Midgley, former Dean of the School of Social Welfare at the University of California, Berkeley, had been asked to write a guest editorial for the National Association of Social Work's (NASW) premier journal, *Social Work*, by its new editor on the topic of international social work and the challenges of globalisation. 'When the copy-edited manuscript was returned to its author, a number of the names of neoconservatives and Bush administration officials had been removed.'<sup>27</sup> The editor is said to have asked that the edits be reinstated and was told by the National Association of Social Work that a 'final' decision had been made denying his request. Thereafter, the writer withdrew his manuscript.

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<sup>27</sup> Robert D. Leighninger, Jr (ed), 'The perils of self-censorship', *Journal of Sociology & Social Welfare*, Vol 33 No 4, 2006.

To some extent, all journalists censor their content. This is a requirement of the news production process where a selection of what to include and what to exclude takes place. This is often defined by the available time (for broadcast), space, clarity, and also the interest of viewers and readers, among others. However, as Ross Tapsell found, this selection and exclusion is not done in the same manner universally and particularly in Asia where editors have been told by officials that self-censorship is a 'responsible' function in the context of nation building and development.<sup>28</sup> This idea of responsibility evolved in the 1980s as 'developmental journalism' and there still are advocates of this approach. However, the idea of responsibility can be a double-edged sword because, 'some journalists editors in Indonesia today still believe that "responsible journalists" should filter or tone down reports about sensitive issues, arguing, for example, that it is better simply not to report inter-religious or ethnic violence.'<sup>29</sup>

In his study, Tapsell looked at self-censorship as 'occurring when journalists limit or ignore aspects of a story because they fear repercussions from those with vested interests who are cited in their report.' He concluded that 'self-censorship usually occurs when journalists believe they must adhere to the owner's agenda on certain stories, rather than report freely and comprehensively on all topics.'

In 2014, the Committee to Protect Journalists reported on the media in Hong Kong and Taiwan and it cites a survey by the University of Hong Kong whereby half of the public respondents said that the local press practised self-censorship. A source in its report said, 'It's not that journalists are giving up on their ethics. Often, self-censorship happens when journalists realize that editors won't accept certain kinds of "sensitive" story ideas

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<sup>28</sup> Ross Tapsell, 'Old tricks in a new era: Self-censorship in Indonesian journalism', *Asian Studies Review*, Vol 36, pp. 227-245, 2012.

<sup>29</sup> Steele, 2011, in Tapsell, 2012.

and they learn where the lines are drawn.’<sup>30</sup> Censorship and self-censorship taking place there originated in China and are both politics and business-related. ‘They don’t want to lose advertising revenue from the Chinese companies and they don’t want to anger the central government.’<sup>31</sup>

While there are basic differences in how censorship and self-censorship occur, both lead to a similar outcome of infringing into the right of the people to be adequately informed. In censorship, brute state force is often used to suppress information, in self-censorship journalists and the media (including owners) play the role of the suppressor by forcing themselves to hide information. Censorship is more visible – journalists are detained or jailed as a means to silence them – while self-censorship is insidious, and takes place under the radar as it happens at the individual level. ‘The problem is that people on the outside can’t tell what’s being censored on the inside...What outsiders can’t see is what is being ignored, spiked or rewritten in order to play down (critical stories).’<sup>32</sup> It is also difficult to keep track of and know what happened to certain information in the news production process. But the two are similar in terms of impact: Both censorship and self-censorship undermine democratic development because the quality of debate is affected when there is either no information or partial information.

### **Censorship and self-censorship in Nepal**

In legal terms, Nepal ended ‘prior censorship’ of the print media in 1990<sup>33</sup> and this provision was later extended to broad-

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<sup>30</sup> <http://cpj.org/2014/02/attacks-on-the-press-hong-kong-analysis.php> (viewed on 11 June 2014).

<sup>31</sup> ‘Full Lowdown: 2 New Reports Slam Hong Kong Media Self-Censorship’, <http://hongwrong.com>. (viewed 11 June 2014).

<sup>32</sup> Paul Mooney (former South China Morning Post reporter) in <http://hongwrong.com> (viewed 11 June 2014).

<sup>33</sup> Constitution of the Kingdom of Nepal, 2047 (1990), Articles 12 and 13. <http://digitalcommons.maclester.edu/cgi/viewcontent.cgi?article=1272&context=himalaya>



casting.<sup>34</sup> However, remnants of terminologies that could give authorities the ‘right’ to censor media still exist in the laws. According to the analysis of constitutional proposals done by Mendel,

Article 4(1) prohibits prior censorship of a wide range of media, including the print and broadcast media. It allows for this to be overridden on very much the same basis as the primary guarantees of freedom of expression found in Article 2(2)(a)...It also includes a number of additional acts which might justify censorship, such as treason, acts that ‘may be contrary to public health’, as well as censorship ‘to discourage untouchability and racial and gender discrimination’.<sup>35</sup>

In Nepal, the political environment and particularly the media laws that were in place during specific periods of history have defined the extent of censorship (and also self-censorship). As Mendel continues in his analysis of constitutional provisions and proposals for the new statute, ‘A key difference between the previous guarantees and the constitutional proposals is the addition to the latter of additional grounds for restricting the right to freedom of expression and imposing censorship.’

So, while whether or not censorship can be justifiably legislated is a question that is still up for debate, there are also other influences that restrict the flow of information. A strong one is political, or the affiliation of journalists to different political parties, including holding party memberships. This is a situation where the responsibility to inform conflicts with the interests of parties that the journalists and media are involved with.

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<sup>34</sup> Supreme Court decisions on writ numbers 3208/2062 and 77/2062 by Justices Min Bahadur Rayamajhi and Balaram K.C., and Justices Anup Sharma, Balaram KC and Tahir Ali Ansari respectively, in Taranath Dahal et al, op cit. pp. 168-185 and 186-191.

<sup>35</sup> Mendel, op cit.

When this happens individual journalists could self-censor their work in the name of ‘party interest’ and because it takes place unknown to others it also remains difficult to detect and correct. This is also a situation where professionalism or the lack of it can be blamed as a reason for self-censorship because those who believe in independent journalism would find the party-journalist-media nexus a false step that would deter good journalism. However, In Nepal, such a consideration does not seem to matter much because journalists seek and are also seemingly proud of their second identity as members of party-affiliated associations. The incentive is perhaps payback in the form of political appointments to state media institutions, or jobs at party-run and/or financed newspapers.

The first Nepali newspaper, *Gorkhapatra*, began publishing as a weekly on 6 May, 1901,<sup>36</sup> and as a daily on 18 February 1961. It was under the direct control of the rulers of the day, both as a weekly and later as a daily. In other words, everything that made it to print was approved by the authorities – or by the editors representing their interests – so its record from those days cannot be measured against the ideals of modern journalism. Control and censorship was the norm and acceptance a survival strategy for journalists – to ensure they kept their jobs. But there were many other newspapers in the private sector that were not forced to do the government’s bidding, and it is thus that this book examines the various degrees of censorship (and self-censorship) in Nepal in its recent political history, with the time periods grouped as follows:

- 1950-1961: Transition from Rana rule towards a modern government.
- 1961-1990: Direct rule by the king under a self-styled ‘democracy’ (Panchayat).

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<sup>36</sup> <http://npi10month.blogspot.com/2010/02/history-of-nepali-journalism.html> (viewed 11 June 2014). The Bikram Sambat is 57 years ahead of the Gregorian calendar.

- 1990-2000: A decade of constitutional monarchy and multiparty democracy.
- 2001-2006: Escalation of the Maoist conflict<sup>37</sup> and an ascendant monarchy.
- 2006-2013: Regime change and a political transition towards establishing a federal republic.

### **1950-1961: Political transition from Rana rule**

Nepal's media became free for the first time during the political transition that lasted from 1950-1961. This was a period of change but also of uncertainty, and, therefore, there were instances of journalists being harassed, questioned and detained, arrested and fined. Newspapers were also shut down. *Samaj* daily newspaper, which began publishing on 9 September, 1954,<sup>38</sup> faced government actions 20 times in the seven years leading to 1961. Other publications such as *Dainik Samachar*, *Nepal Samachar*, *Dainik Samaya*, *Shai Sandesh*, *Halkhabar Dainik*, *Nepal Times Dainik*, *Ujjyalo Nepali Dainik*, *Kalpana Dainik*, *Goreto Dainik* and *The Commoner* also faced government ire time and again. This was a period when the Nepali press began engaging in 'mission journalism', explained as its desire to stand on the side of democracy and freedom, which has overtime transformed into a form of politically partisan journalism that exists to date, where newspapers support one political party or another and some editors and journalists even hold party memberships.

### **1961-1990: Direct rule by the king**

Between 1961 and 1990, the press<sup>39</sup> was not free to report critically on the politics and rulers of the day. The enactment of the Rajkaaj Aparadh (aparadh ra sajaya) Ain 2019 (or the Treason

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<sup>37</sup> The Maoist conflict began in February 1996 and ended in November 2006.

<sup>38</sup> All Nepali dates used have been converted using the converter tool at [www.rajan.com](http://www.rajan.com).

<sup>39</sup> Radio was under government control.

Act) was a major factor that triggered self-censorship. Unsure about when they could be charged with treason if they said anything against the royalty, journalists were forced to write and publish only what they considered 'safe'. The law had both civil and criminal sanctions, including imprisonment for three years and a fine of Rs 3000 for carrying matter that could lead to hate, anger and contempt of the institution of monarchy. Similarly, sanctions for news detrimental to the government included a maximum penalty of two years, imprisonment and a fine of Rs 2000.<sup>40</sup> This law was something all journalists feared, particularly because the courts at the time were largely subservient to the monarchy and other loyalists of the Panchayat System, and it was unpredictable how they would interpret the law. During this period both journalists and newspapers tried to remain within the bounds of what was possible and what not using their own judgement while also making occasional attempts to widen the parameters of what was possible. Many newspapers even had unwritten but well-internalised policies about not commenting on several institutions such as the royal palace, the army and the courts.

The codes of conduct for journalists issued between 2015 BS (approx. 1958) and 2033 BS (approx. 1976)<sup>41</sup> directed journalists to support the monarchy and the government, and oppose multiparty democracy. Clause 2 of the Press Commission's 'Rules on the behaviour of journalists 2015' (BS) placed the monarch and the royal family above public criticism. Similarly the code of conduct prepared by the Press Advisory Commission (Clause 16) required journalists to adopt 'balance, understanding and support' while evaluating the state's basic social and economic programmes and policies in news and opinions. The code of conduct issued by the Press Council in 2033 BS had 22 clauses of which first eight barred journalists from being critical,

40 Rajkaaj Aparadh (aparadh ra sajaya) Ain (Treason Act) 2019, Section 6 (1) and (2).

41 Exact conversion of the Bikram Sambat without knowing the exact date.

required them to support the Panchayat System of government, and make the public aware about the activities and (wrong) intentions of those opposed to the political system. These are examples of how the rulers tried to directly censor the press and set limits on what journalists could and could not do because the formal rules affected their decisions on what was safe and what was not. During these years, there was a saying among some journalists and editors – a form of an unwritten editorial guideline – ‘*Rajsanstha ra sena bahra haatko taangole pani nakhunu*’, which translates as ‘Never ever attempt to even touch the royal family and army even with a 12-cubit-long pole.

It can be assumed that self-censorship in Nepal increased after 1961 largely because the regime was not tolerant of criticism. Following the introduction of the Panchayat System, King Mahendra imposed a ban on political parties, and this made coverage of opposition activities very difficult. The rules prevented journalists from reporting on the regime’s excesses against political activists and their supporters. Similarly, the media also remained more or less silent on the excesses of government officials and people in positions of power. The press was not only unable to report on the profligacy of members of the royal family but also avoided writing about the highhandedness of a student group that supported the regime. It was a period where censorship imposed by the state made it very difficult for the press to report on what it would normally have done in a democracy.<sup>42</sup>

Self-censorship could have existed among journalists working in the privately run media at the time. But, because most of these papers often had an ideological bent, it would be logical to assume that the content was not only influenced by government rules but also by the party affiliations of the editors and reporters. This is because many journalists held (and still hold) party memberships. When a journalist is a card-carrying party

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<sup>42</sup> There were no private radios at the time but Nepal did have private newspapers.

member of a political party, his or her allegiance would prevent the publication or broadcast of content that would show his or her own organisation in a bad light.

### **1990: Democracy, conflict and self-censorship**

Multiparty democracy was re-introduced in Nepal in April 1990. The new constitution promulgated later that year guaranteed press freedoms for the first time in the country. Having just emerged from 30 years of control, there were issues of capacity among journalists but this was also the first time journalists could operate in an environment without fear of sanction. But partisanship that had become a norm – under the guise of mission journalism before 1990 – did not make way for professionalism. This continued to provide journalists a reason to tailor content to suit their own political interests, or their affiliations continued to influence the content. The output would generally consist of not reporting any transgression by ‘us’ and blackout of even commendable efforts by the ‘others’. It was the beginning of a journalism that was a mix of partisan propaganda and sycophancy at one end of a continuum and exclusion and hate at the other.

While Nepal had free media laws, ‘soft-censorship’ by the government still remained in place, and the favouritism and exclusion that comes with it gave continuity to partisanship. The World Association of Newspapers and News Publishers (WAN IFRA) and Centre for International Media Assistance (CIMA) explain soft censorship as ways adopted by governments ‘to promote positive coverage of – and punish media outlets that criticize – officials or their actions’.<sup>43</sup> In other words, soft censorship ‘is the practice of influencing news coverage of state bodies and state officials and their policies and activities through allocation or withholding of state media spending (subsidies, advertising,

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<sup>43</sup> WAN IFRA, CIMA, *Soft Censorship, Hard Impact*, World Association of Newspapers and News Publishers and Centre for International Media Assistance, 2014, p. 4.

and other media contracts or assistance), or selective application of licensing, permits and regulations to shape the broad media landscape; promote or diminish the economic viability of specific media houses or outlets; and/or reward or publish content produced by individual media workers.’<sup>44</sup>

The 1990s saw new investments in the media and the launch of private broadsheet dailies,<sup>45</sup> and, later, private radio and television stations. With large investments also came owners with varied interests in commerce, industry and politics, and it would not be out of place to assume that their interests often came in conflict with that of the journalists’ to function as watchdog on behalf of the public and their right to know. The outcome of protecting the interests of owners is not dissimilar to government control. However, because very often little is known to the public about private controls within news organisations and news production units, this form of institutional self-censorship remains unknown as far as the public is concerned. The growth of private investment in the media and industry also led to the emergence of advertising, and with it another form of censorship by business interests. The manner in which the latter influence content is similar to what WAN-IFRA identifies as ways in which governments do soft-censorship: ‘paid news’ and ‘bribery and payments’.

The mid-1990s saw the emergence of a violent conflict in Nepal that lasted for a whole decade. The fighting began in February 1996 and culminated in a peace accord in November 2006. The excesses by both government troops and combatants of the insurgent Communist Party of Nepal (Maoist) resulted in an environment of uncertainty and controls on information. The government introduced new restrictions on the media, and the Maoists used attacks and intimidation to force the media to conform to their wishes. On 1 February 2005, King Gyanendra imposed a state of emergency and began ruling directly through

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<sup>44</sup> Ibid.

<sup>45</sup> Starting with the dailies *Kantipur* and *The Kathmandu Post* in 1992.

a handpicked cabinet that re-introduced controls on the media that were reminiscent of the Panchayat era. Prior to that, in 2001, the democratically elected government introduced an ordinance to ‘control terrorism and terrorist activities’ which also imposed restrictions on journalists since it gave space to the government to charge journalists with abetting terrorism in the event they were found guilty of publicising or causing to publicise ‘terrorist’ acts. The states of emergency, the anti-terrorism restrictions on information, and the fear of attacks by the Maoists had the effect of causing fear and uncertainty among journalists.<sup>46</sup>

Government security agencies harassed journalists suspected of being close to the Maoists while the Maoists targeted journalists suspecting them of being informants. Records suggest that the government forces killed 10 and the Maoists five individuals who were in some ways related to the profession of journalism. Similarly, a further 11 were abducted; seven by government forces and four by the Maoists. The government also arrested and detained 68 journalists for periods ranging from two to 16 months.<sup>47</sup> (See Box 1 for CPJ records on journalists killed.) After the royal takeover of February 2005, the government even sent soldiers to monitor news content at media organisations and forced independent radio stations to take news broadcasts off the air. Many of the publishers and owners of broadcasting stations willingly complied with government orders while others had resisted the restrictions through continuous efforts to stretch the boundaries of restricted content. In the case of independent radio stations, which had just begun broadcasting and faced cancellation of their licences for failing to comply with the terms of their permits, many even shut down their news departments rather than oppose

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46 Binod Bhattarai, 2005, *op cit*.

47 Mahendra Bista (ed), ‘Sankatkalma Nepali Press’ (Kathmandu: Nepal Patrakar Mahasangh, 2060 BS).



### Box 1: Journalists killed in Nepal (1992-2013)

The records of the Committee to Protect Journalists (CPJ) show that 17 journalists have been killed in Nepal since 1992. Among them, eight are listed under the 'motive confirmed' category. They are:

1. Uma Singh, *Janakpur Today*, *Radio Today*, January 11, 2009, killed in Janakpur
2. Birendra Shah, *Nepal FM*, *Dristi Weekly*, and *Avenues TV*, October 4, 2007, killed in Bara district
3. Prakash Singh Thakuri, freelancer, July 2007, killed in Mahendranagar
4. Maheshwar Pahari, *Rastriya Swabhimani*, October 4, 2005, killed in Pokhara
5. Dekendra Raj Thapa, *Radio Nepal*, August 11, 2004, killed in Dailekh
6. Gyanendra Khadka, *Rastriya Samachar Samiti*, September 7, 2003, killed in Jyamire, Sindhupalchowk
7. Dhan Bahadur Rokka Magar, *Radio Nepal*, January 30, 2003, killed in Jaluki
8. Nava Raj Sharma, *Kadam*, June 1, 2002, killed in Kalikot

The cases where the motives are confirmed, according to CPJ, include deaths that have been investigated and it has been determined that

the government.<sup>48</sup> Individually, many journalists and editors were also under a watch-list and were summoned every time the authorities decided that content in their media had overstepped the limits.

The height of political uncertainty resulting from the escalating conflict began in November 2001, when the Nepali army entered the conflict, and lasted until April 2006, when parliament was restored and a government representing seven political parties was formed. Thereafter, the government began peace talks with the Maoists, which culminated in the Comprehensive

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<sup>48</sup> Raghu Mainali, 2005, pp. 143-158.

they were work-related. CPJ accepts a case as 'confirmed' only after it is 'reasonably certain' that a journalist was murdered in direct reprisal for his or her work; was killed in crossfire during combat situations; or was killed while carrying out a dangerous assignment such as coverage of a street protest. Other journalists killed in Nepal come under the category where the motive is 'unconfirmed'. The names of these journalists are,

1. Yadav Poudel, *Avenues TV, Rajdhani Daily, and Mechi Times*, April 3, 2012, killed in Birtamode
2. Devi Prasad Dhital, *Radio Tulsipur FM*, July 22, 2010, killed in Tulsipur
3. Arun Singhaniya, *Today Group*, March 1, 2010, killed in Janakpur
4. Jamim Shah, *Channel Nepal and Space Time Network*, February 8, 2010, killed in Kathmandu
5. Jagat Prasad Joshi, *Janadisha*, October 8, 2008, killed in Kailali district
6. Shankar Panthi, *Naya Satta*, September 15, 2007, killed in Sunwal
7. Ambika Timsina, *Janadesh*, date unknown, killed in Morang
8. Krishna Sen, *Janadisha*, May 27, 2002, killed in Kathmandu
9. Shambhu Patel, *Radio Nepal*, February 5, 2000, killed in Rautahat

Source: <http://cpj.org/killed/asia/nepal/> (viewed 5 March 2014)

Peace Accord 2006, after which a new Interim Constitution<sup>49</sup> was drafted, and the Maoists joined the government.

Elections for a Constituent Assembly to write a new statute for a Federal Republic of Nepal were held in 2008.<sup>50</sup> The political transition after 2006 was marked by competing demands of

<sup>49</sup> Toby Mendel's analysis of provisions in the Interim Constitution suggests that while the statute restored media freedoms, it also came with broad terminologies that could be interpreted and used for restricting content.

<sup>50</sup> The Assembly had an initial statutory deadline of preparing a constitution by 2010 but was unable to prepare a constitution and was dissolved in May 2012. Elections to the second Constituent Assembly was held in November 2013.

different social groups and the inability of a weak state to manage expectations. The methods for articulating the demands and concerns also became violent, and often the media and journalists faced the brunt of these attacks. During this period, the media has been accused of being selective while reporting the concerns of groups seeking federalism (particularly of those seeking federations named after ethnic identities, languages or regions).

The inability of the government to bring those attacking journalists and the media to justice, often because the suspects had political protection, resulted in impunity, and this created a new environment of fear and uncertainty. Not surprisingly, different groups sought to use the media as channels to communicate only their points of view, using threats and intimidation to ensure compliance. This began with a movement launched in the plains (Madhes or the Tarai) where journalists believed to be opposed to the cause were threatened and even forced to move out of the area.<sup>51</sup> Threats to journalists not seen as allied to a political party or belonging to a particular social group, and the inability of the government to bring to account those involved in attacks on journalists made the operating environment for journalists more uncertain. The inability of the state to punish the guilty, including those involved in the murder and abduction of journalists, was largely explained by the protection different political interests provided to the suspects. The still-incomplete political transition and the impunity enjoyed by the perpetrators of the past continue to create a state of uncertainty and fear – a strong trigger for self-censorship.

The following are a couple of examples of self-censorship in Nepal's media after 1990.

1. Nepal's royal family was killed in a shootout at the royal palace in the evening of 1 June 2001. By 11 pm, information

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<sup>51</sup> Press Swatantrata Barshik Pratibedhan 2008: Chhunautira Jokhim Thapindai of FNJ documents the displacements and harassment on the press during the political movement.

about what had happened had spread across Kathmandu. There had been unusual movement of security and emergency vehicles in the city all night as they tried to ferry those injured and specialist doctors to the military hospital. By dawn, people were talking about 10 members of the royal family, including King Birendra, who had been killed at the family gathering. However, none of the nine broadsheet newspapers the next day reported what had exactly happened. Two dailies, *Samacharpatra* and *Spacetime Daily*, had stories on the incident but both reports were very sketchy. The seven other dailies had nothing on what was the world's biggest story of the day, which the *New York Times* had described as, 'a wholesale killing of royalty not seen since the death of the last Czar of Russia and his family in 1918...'<sup>52</sup> Both state-run radio and television played mournful tunes the next morning, which were carried by independent stations as well. The state broadcasters did announce that a meeting of the Raj Sabha, the Privy Council, had been called but did not specify why. By this time, however, some international broadcasters and websites had already begun carrying news of the massacre. It was only around 1 pm the next day that the state media began reporting the deaths of the king and queen and other members of the royal family, and that the Raj Sabha had named the crown prince, who was in a coma from what a government investigation later said was a self-inflicted wound, as the new king. Prince Gyanendra was appointed regent.

On 2 June some dailies published supplements on the contributions made by King Birendra and had officially released information on the deaths in the royal palace, and statements by surviving royal relatives and palace

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<sup>52</sup> *The Kathmandu Post*, p. 8 story headlined, 'Nepalis in the US grope for answers'.

workers. Later issues of the newspapers reported the final rites of the dead royals, and statements by the regent. On 3 June the newspapers reported rumours circulating in the city, and reports that had already appeared in the international media.<sup>53</sup> Amidst rumours and incomplete reporting on 3 June there were protest rallies in various cities of Nepal and more rumours in Kathmandu – one saying that Kathmandu’s drinking water had been poisoned, which had to be refuted by the head of the water utility. Following the massacre, the government had issued a statement requiring media not to publish news that would result in ‘hate, disrespect and slander’ and ‘affect the prestige’ of the king and royal family. The uncertainty on what these terms meant and who would interpret the laws also added to the confusion. (Also see experience of journalist Dipak Rijal, page 36).

2. Another example of self-censorship can be tracked to the reporting of programmes the Maoist had organised to announce their ‘base areas’. The Maoist insurgency, particularly due to attacks on journalists, had resulted in a climate of fear and uncertainty among media workers. Many reporters and editors had faced threats and harassment and this had a direct effect on critical, independent analytical reports on the insurgency and its impacts. The Maoists usually invited selected journalists from Kathmandu to their programmes and, in one instance, had invited reporters to Rolpa where they announced the establishment of their first ‘base area’. The result was a spate of ‘sponsored’ stories in the media. These were essentially stories that reproduced what the Maoists said, diaries on

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53 Rama Parajuli, ‘Narayanhiti Hatyakanda Broadsheet ko Coverage’ (Narayanhiti murder incident, the coverage by broadsheets), in Pratyoush Onta, Ramesh Parajuli and Rama Parajuli (eds), *Media Antarbastu*, Bividh Bisleshan (Kathmandu: Martin Chautari, 2059 BS), pp. 49-71.

the experience of those travelling with them to the districts as guests of the rebels, and profiles of Maoist supporters. One such profile was about one ‘Singhji’ who the story said was the one who made ‘modern’ weapons for the rebels.<sup>54</sup>

Rajendra Dahal, editor of *Himal Khabarpatrika* at the time, said he and his reporter who was invited to the programme had extensively discussed why they should write that 15,000 people had attended the Maoist rally and why not ‘over 14,000’. Dahal’s argument was that magazine had already reported 15,000 and that there was no way to assure that it was the exact count. He said he eventually had to agree to his reporter who requested that the paper report 15,000 this time, without saying why or where the information came from.<sup>55</sup> There were no follow-ups to such reports, and almost all the stories that appeared in the media on such Maoist activities consisted of what the rebels wanted publicised.

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54 Prashant Aryal, ‘Nepali Chhapama Dunai Kanda Pachiko Maobadi Bidhroha’ (The Maoist rebellion in the media after the Dunai incident), in Pratyoush Onta et al, op cit, pp. 19-37.

55 Interview with journalist Rajendra Dahal, 30 January 2010.



PART 2

# The how and why of self-censorship







This section attempts to summarise the experiences of journalists in terms of how much they censor their work. The findings discussed below are based on consultations with 163 journalists who attended the five different discussion programmes on self-censorship in 2012 held in different parts of the country. The Alliance for Social Dialogue had organised the meetings in all of Nepal's five-development regions in 2011 and 2012. Journalists working in 31 of Nepal's 75 districts,<sup>56</sup> representing both the print and broadcast media, had attended the discussions. Some of key factors leading them to self-censor discussed and analysed at these meetings are discussed below.

### Commercial pressures

Both editors and journalists said they were sometimes compelled by large companies not to report on poor-quality consumer products whether made in Nepal or imported from India and China. 'As a journalist you want to write about such issues but sometimes we feel we do not have the power to report and broadcast such stories,' a participant said. Another participant described a situation where a story about a ban on a brand of fruit juice being sold in Myagdi

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**Sometimes we even play the role of judge. We say he/she/they apologised for the mistake, so we did not report.**  
 .....

District was broadcast in the headlines section of news on radio. In no time there were instructions from the owners of the station and the advertising department to pull it off air. The story was removed from the detailed newscast even though it had been announced as a headline.<sup>57</sup> Participants said they were

<sup>56</sup> Journalists from Taplejung, Panchthar, Tehrathum, Ilam, Dhankuta, Morang, Sunsari, Jhapa, Bara, Parsa, Saptari, Mahottari, Janakpur, Rautahat, Sarlahi, Makawanpur, Chitwan, Nawalparasi, Kathmandu, Lalitpur, Bhaktapur, Kaski, Palpa, Rupandehi, Surkhet, Doti, Dadeldhura, Bajura, Bajhang, Kailali and Kanchanpur participated in the discussions and filled out the survey questionnaires.

<sup>57</sup> The names of participants have not been disclosed because the meetings

## **Box 2: A journalist's experience after the shooting at the royal palace in 2001**

On 1 June 2001, I had been invited for dinner at the residence of a former secretary and we were about to eat when the phone rang. He picked up the phone and handed it over to me saying it was for me. I spoke to my sister who said I was to call a number she gave me, and said that the caller had said it was urgent. It was a number of a Brigadier General of the Nepal Army who I knew very well. I called and he answered saying, 'Everything has been lost.'

'What happened?' I asked. He told me that a major incident had taken place at the royal palace and said if I wanted to go and see it for myself, I should wait for him near the statue of King Mahendra at Kalimati, and disconnected the phone.

I had no idea where I was headed. I informed my hosts about what I had just heard and I headed towards Kalimati on my motorbike. The streets were silent. The general had not arrived when I reached the rendezvous. Next, I called my office and told my colleagues that I would try to find out more about a story related to the royal palace. I was wondering what I should do with the bike when the general's car arrived. He said that I should leave my motorcycle there and pick it up on my way back.

Once I was inside the vehicle, the general asked me to hide all the notebooks I had with me. As we neared the Birendra Military Hospital, he turned around and asked, 'How should we identify you at the gate?' I said, 'You can say I am your *ardali*.\*' He said it was a good idea and that he would take care of everything else.

He had begun telling me about the shootings at the royal palace in the vehicle. Both the king and queen had been killed on the spot. He added that many other people could also have been killed, and that he had heard even the crown prince was dead. 'We'll know more once we get inside,' he said as we approached the gate.

There were many soldiers in the hospital grounds and they were fully armed. The sentry at the gate asked the general, 'Who are the people

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\* The Nepali term for 'orderly'.

in the vehicle, sir?' The general replied, 'I and my *ardali*, his mother is also at the hospital and he is here to stay with her for the night.'

Once inside, the general stepped off and headed inside, leaving me to find my way around. Slowly, I edged towards the emergency ward, where there was already a crowd of royal relatives and high-ranking security officials. I managed enter the room. King Brenda's body was lying on a stretcher on the floor outside the Intensive Care Unit (ICU). The body of the queen was also on the floor. There were other dead bodies around, which I could not identify. I kept looking. The room was silent even with so many people there. I did not have a pen or a



notebook and was trying to remember what I was observing when the Inspector General of Police Pradeep Sumsher Rana spotted me. He did not say anything but an army major on his side said something in his ears and strode towards me and said, 'Will you leave now or should I shoot you?'

I did not know how to respond when the Major held me by my arm and dragged me outside. This was when I became very scared and started of thinking of ways to get out of the hospital. It was around 11 pm in the evening.

Ambulances were rushing in and out of the gates with their sirens blaring and some were preparing to leave as I headed out and approached the gate. Two sentries called me and asked where I had been. I told them that my mother was sick and I had come to see her and was on my way out. They asked me for my name and that caused me to hesitate. They asked second time and I told them something.

Then, the other one asked, 'What is the bed number of your mother?' Without thinking, I said '206', oblivious of what could happen if he made inquiries. This was the second time when I became very scared. He then looked at me closely and allowed me to proceed.

Once outside, a friend from the office agreed to come over and fetch me. We went to the place where I had left my bike and headed over to the office. Immediately, I told Mahendra Bista, the news editor, and two others in charge of the shift what I had seen at the hospital.

They, too, had been discussing the incident at the royal palace. After I told them what I had witnessed, we called Pushkar Lal Shrestha, the chief editor, and Kapil Kafle, the editor, on the phone and narrated the story. Since Shrestha lived near the military hospital he provided additional information of what he could see from his house.

The challenge now was how to report what I had seen. It was something we had never planned for or expected to happen. The chief editor and the editor told me to find out how the incident had taken place and then they would consider how to report it based on what could be found out. Then, I and a colleague began making phone calls.

Initially, all fingers pointed to Paras Shah\*\*, but by midnight there were people who said it was the crown prince who had shot the entire family. Kishor Sapkota and I began writing the story, when the editor called and asked us to find a copy of the constitution. The office did not have one. There was also no picture of Prince Gyanendra in the archives.

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\*\* The unpopular son of King Birendra's brother, Gyanendra.

aware that fraud by real estate and recruitment agencies (for foreign employment), cheating of consumers by large companies, and the Value Added Tax fraud by large businesses are all newsworthy but are not covered. These are examples of censorship resulting from market pressures.

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were held with the assurance that only the content of the discussions would be publicised, unless the participants said they had no objection to disclosure. The highlighted text has been excerpted from what journalists said at the discussions.

I then went to the residence of Dadhi Sapkota who worked at *Mahanagar* and brought back a copy of the constitution. He also found a photograph of Prince Gyanendra. At the office the editor began looking for the articles in the constitution related to royal succession while we tried to check the story with leaders of political parties, security officials and other sources. It was around 3 am when we were ready with the story and asked the editor if we should have our by-lines on it.

He said, 'Don't put your names in such news. The incident is something unknown in history.' We said nothing as the news editor gave the final touches to the report and read it out to the editor on the phone. We said we should name Dipendra as the person who had shot the royal family, which the news editor suggested we exclude 'because it was a complex subject that we were reporting on' and that we could have our names on the follow-up story. We were unhappy because we were not given the credit for the story.

The next day the headline said many were killed, and that condition of the king, queen and crown prince were unclear. Thereafter it had a boxed item on the constitutional provisions for succession. The story said nothing on who were killed, who was suspected for the shooting, and what I had witnessed at the military hospital.

We had requested the editor to include our by-lines and had also argued we should provide more details on the incident but were unsuccessful at convincing him. I still feel this is the one time in my 20 years as a journalist where I have failed in doing what journalists are expected to do. I regret not being able to write what I had seen.

*Based on an interview with Dipak Rijal, Nepal Samacharpatra*

### **Political pressures (influence)**

Participants pointed out that criminalisation of politics had caused widespread fear among journalists, particularly due to the impunity supporters of political parties enjoyed after they had attacked the media and journalists. The journalists named the methods Maoist<sup>58</sup> supporters used to intimidate journalists, and

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58 'Maoist' is a generic term used to refer to the Communist Party of Nepal

similar methods adopted by the youth wings of other parties such as the Unified Marxist-Leninists (UML) and the Nepali Congress as major sources of fear and uncertainty. Therefore, when journalists believed that a news report could cause retaliation by such groups the instinct was to self-censor and ‘soften’ the content unless other media outlets had also begun reporting the subject.

The party affiliation of owners and editors of media organisations and of the reporters themselves<sup>59</sup> was raised as one factor that caused them to self-censor. This, the participants said,

..... translated into decisions where  
 I have become a regular certain stories and photographs  
 employee (like one in any were dropped or ‘toned down’.  
 other profession); I am no The participants added that  
 longer a journalist. The there have been instances where  
 journalism we knew of stories were killed because they  
 yesterday is dying. would have portrayed the youth  
 ..... wings of certain political parties

in a bad light. The individual political affinities of journalists were another influence, and in some cases senior journalists even encouraged junior colleagues to tone down the content. As one participant said, ‘One newspaper had a long-standing [unwritten] ban on publishing the pictures of UML leader K.P. Oli after 2006, and it was extended to pictures of former king Gyanendra [after monarchy was abolished].’

### **Editor-reporter relations/trust deficit**

Some journalists pointed out a crisis of confidence between editors and reporters as a reason for self-censorship. Often the editors – with their own partisan positions – inserted content even

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(Maoist), which changed its name to Unified Communist Party of Nepal (Maoist), and later split into two. The term now refers to members of both factions.

59 There were three distinct panels in the election of the Federation of Nepali Journalists in 2014. One was close to the UML, another to the UCPN (Maoist) and another to the Nepali Congress.

in stories with the by-line of the reporter, putting the latter into a situation where he or she has to provide explanations to their sources. ‘When we suspect a story could be tampered with we keep back information that we think will be changed,’ said a reporter. Sometimes, when content is changed without the consent of the reporter it is the reporter in the districts who faces the wrath of the sources or the subject of the story.

The editors also had their own complaints. As one editor put it, sometimes reporters hesitate to report on certain local issues where they have an interest and during such times they tend to remain incommunicado with their phones switched off. Such a situation results when reporters have their own interests they need to protect by not reporting on newsworthy incidents.

### **Management arrangements**

In some cases media companies have also double-tasked reporters as agents to collect payments for advertisements published or broadcast. In fact, in the case of some reporters, their salaries are dependent on their ability to collect the payments on time. This situation causes them to judge whether certain reports could affect collection or cause financial problems at their workplace that could lead to delays in being paid. The reporters said they take decisions based on their own judgments on how the report could affect their organisation’s finances. Sometimes, they said, their editors clearly indicate how certain stories should or should not be reported.

One reporter described how commercial interests (and political leanings) of newspapers influence content. This reporter had filed several reports for his newspaper on the Gorkhaland agitation in Darjeeling, India. The reporter – paid based on lineage – never saw his stories in print, and was never told why

.....  
**In some large media, editors are required to call and brief publishers on the news of the day. Sometimes the publishers ask editors to drop certain stories.**  
 .....



### **Box 3: ‘Unfounded fear’ and self-censorship**

Janak Aryal, a journalist from Chitwan, said he has learnt that the fear of financial instability as a reason for self-censorship to be baseless.

It was 2010 and at the time *Pardarshi Dainik* used to carry a column by Birendra Mani Poudel. He was an editor of a newspaper himself, and his articles came with little need for editing. On that particular day we received his piece a little later than usual and sent it to press without much work put into it.

The column was published and its main argument was that the goldsmiths in Chitwan were overcharging customers. This was not acceptable to the gold traders. First, they called the newspaper office and expressed their dissatisfaction with the piece, which was natural. Later, it came to our notice that the gold traders’ association had issued a circular to boycott both *Pardarshi Dainik* and *Narayani Today* (the paper edited by Poudel) and stop subscribing the papers as well as provide no advertisements.

After the word spread the Federation of Nepali Journalists (FNJ), Chitwan, issued a statement denouncing the decision by the gold merchants. Eventually, it was agreed that the FNJ and the traders’ association would hold talks to resolve the issue. The talks were held at the *Pardarshi Dainik* office. Krishna Giri of FNJ facilitated the talks, which Poudel not to attend. At the meeting, the traders said they had

the stories were not used. However, the same reporter had been sent by his company to cover Indian Idol, a competition (and a soft, non-political story) on an Indian TV channel, and the paper had covered it lavishly. The Gorkhaland story was spiked possibly for political reasons. Many reporters had similar experiences with stories about border disputes and removal of marker pillars on the Nepal-India border.

### **Lack of professionalism**

The lack of professionalism, resulting from partisanship and low capacity, is another factor leading to self-censorship. Often,

been providing advertisements and buying subscriptions to support the local media while the newspaper and journalist had misinformed readers. They added that they would not withdraw the decision to boycott the two newspapers.

I then asked my marketing department for information on the advertisements and subscriptions. The numbers showed that their contribution towards the paper throughout the year was enough to meet the operation costs of only one week.

I told the traders they could withdraw all advertising from *Pardarshi Dainik* and even cancel their subscriptions, and if they wanted it, the newspaper could even refund the money they had provided so far. I also asked them for a public apology for trying to intimidate the media by threatening to withdraw advertisements. The former president of the association, Gyanendra Man Shakya, then said that they were not there to seek a refund and that the decision to boycott the newspaper was wrong, and that they would make amends. Thereafter, the FNJ president demanded a written apology to which the traders agreed and did so immediately.

If I had not looked into the accounts and feared about the finances without checking the facts I would not have had the courage to challenge them. I then realised that we sometimes self-censored ourselves based on unfounded fear, and without doing the necessary fact-checking, which is so central to our profession.

journalists without adequate skills or judgment direct their subordinates to practising journalism in the manner they think is right, which might not always be the case. A reporter said that some journalists often serve as transactional agents between political and commercial interest groups and influence others to report in certain ways. “There are also journalists who would not hesitate to report on the “stubborn” ones back to their political

.....  
*At The Rising Nepal, no one  
 had to tell me what not  
 to write. After spending  
 sometime in a government-  
 run (or any other media)  
 you know.*  
 .....

or commercial masters.’ Further, because journalists are locals they would know people who matter in their work areas, including leaders of armed outfits. They also have their extended families there. It is therefore not unlikely that they could be under pressure not to report or at the very least tone down content, and also to write or broadcast reports on these individuals or groups showing them in a good light.

### **Safety and security**

Many towns along the Nepal-India border are infamous for illegal activities, including smuggling and human trafficking. Journalists working in these parts of Nepal fear individuals

involved in such activities because they are known for committing crimes in Nepal and slipping across the border, or even kidnapping people and taking to the other side of the border. The confidence of journalists on the ability of the police to apprehend suspects and bring

.....  
A woman had committed suicide. Some people wrote the story and it became a campaign. Other media said it was politics and ignored it. Today, every dead person invariably belongs to a party and hence the discrepancy.  
.....

them to justice in these parts is low. During the discussions, journalists agreed that it more prudent to take precautions than report freely in such in a situation of insecurity and impunity for criminals.

The lack of professional security among journalists is another factor that causes many to ‘adapt’ content to the culture of the institutions they work for. While the professional associations of journalists are more concerned about partisan politicking and less about workplace issues, owners have organised and begun using their own associations against journalists. Participants at the discussions said that owners of major media companies have an understanding that they will not hire a journalist who has been fired from a competing media house for

six months. Such a situation forces journalists to either comply to the organization's approach to doing journalism or become jobless for over six months after being fired from a job. This is a difficult proposition for someone with only journalism as the main vocation. This, together with low pay, sets off the process of journalists seeking part-time engagements even while working as journalists.

The situation of women journalists is worse compared to men. Owing to social and family pressures, women hesitate to report on issues that could be dangerous. They face threats that are different than those faced by their male colleagues. Often, when women begin reporting issues considered risky, they come under pressure from their families, and many even quit their jobs.

Overall, the discussions suggested that self-censorship had become the norm after 2006 rather than an exception, owing largely to insecurities resulting from the political transition, low professionalism or lack of it, and concerns about physical and professional safety. The main issue about professionalism is the inability of journalists to separate their politics from professional work. When this happens it invariably puts a journalist on one side or the other in a highly contested political space. By taking sides – real or perceived (because sometimes journalists are labelled as being what they may not be politically) – journalists and media put themselves in a position where they could be threatened or attacked not for their journalism but for the politics they are seen to be supporting or opposing.

The inability of journalists' associations to tackle workplace issues through collective bargaining and to take media owners

.....  
**The editors also have an Editor's Society, which collectively works to 'manage' news. The Central Bank had taken action against the executive head of a bank in Butwal but no local newspaper published the story.**  
 .....

into confidence remains an obstacle to enhancing professional safety. Unlike regular trade unions, journalist' associations in Nepal have seldom engaged with media owners in collective bargaining for workplace improvements, and have instead relied on either making demands or even using brute force (such as disrupting media operations) to press their demands. Otherwise, they have resorted to lobbying the government to exert pressure on the companies. The

.....  
**We need to ask ourselves why we are in journalism because we say we are not satisfied and do not earn enough money from it but still want to remain in the job.**  
.....

gaining for workplace improvements, and have instead relied on either making demands or even using brute force (such as disrupting media operations) to press their demands. Otherwise, they have resorted to lobbying the government to exert pressure on the companies. The

inability of journalists' associations to take the lead in improving workplace conditions has allowed space for owners to organise and come up with their own coping strategies rather than improve professional security.

Finally, the impunity that has existed in Nepal for those who have attacked – and even killed – journalists and media owners also continues to have a chilling effect. The fear that their attackers could go unpunished remains the single most important 'motivation' for journalists to tone down content of those engaged in wrongdoing (or for showering praise on those they support). This leads to the deterioration of the quality of journalism, leaving the public uninformed or under-informed and confused.

PART-3  
**The self-censorship  
report**





## Background to the study

The following section discusses the findings of the survey among journalists who attended the discussions on self-censorship. The survey was carried out among participants selected purposefully to include reporters, editors, news readers/announcers and programme producers. These groups were selected on the assumption that they were likely to have experienced different types of inducements, threats or harassment, and also faced professional safety issues, or factors assumed to lead to self-censorship. The reason for taking a survey rather than just limit the study to discussions was to try to arrive at a baseline in terms of self-censorship in a climate of continued threats against the media and journalists, low professional standards, weak law enforcement, and impunity for those who have attacked media and journalists. The journalists participating in the survey came from different parts of the country. The discussions that preceded the survey provided participants with a platform to talk openly about self-censorship and how it has affected their work. All the discussions were not for attribution without the express permission of the speakers and therefore the quotations that appear in this report have also been presented without identifying the sources.<sup>60</sup>

There were two to three facilitators at each discussion. They were Raghu Mainali, Bishnu Nisturi and Binod Bhattarai. The facilitators shared their experiences with self-censorship while talking about self-censorship that had been documented earlier and also dwelt on international experiences in order to encourage participants to volunteer information. Two such discussions were held in Kathmandu. The questionnaire was tested at one of these discussions and finalised thereafter. Other discussions were held in Ilam, Birgunj, Pokhara and Dhangadi, and these brought together journalists from different neighbouring districts. There were 163 participants from 31 districts. In all,

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<sup>60</sup> In the case of individuals named in this report their permission was sought after the discussions.



111 completed questionnaires were used in the analysis. Eleven were rejected for being incomplete while other participants opted not to take part in the survey.

The discussion sessions included a presentation based on an earlier assessment on the evolution of the Nepali media, censorship and self-censorship. Thereafter, participants were asked to

.....  
**63% have self-censored  
their work. 37% began  
self-censoring when they  
started journalism.**  
.....

fill the questionnaires. The responses were checked on the spot, and where there were discrepancies the participants were given an opportunity to reconsider their

responses. The responses were analysed in terms of age, sex, educational attainment, caste and ethnicity, location, media type (print or broadcast), position in media organisation, and membership of journalists' associations.

### Demographics

The sample had 74 per cent males and 26 per cent females. A majority of the respondents belonged to the 26-35 years of age (52%), 31 per cent were of the 18-25 years age group, and 17 per cent over the age of 36. In terms of social group, the sample included different castes and ethnicities in Nepal, including Dalits. Hill Bahuns and Chhetris comprised 68 per cent of the sample, which is also perhaps representative of their presence among Nepali journalists while the percentage of Hill Dalits and Janajatis was 17 per cent, and that of Madhesis 15 per cent.

A majority of the respondents (83%) said they were Hindus. A plurality (31%) were from the Central Development Region, which is also where most of the media organisations are situated; 28 per cent were from the Eastern Region, 23 per cent from the Western Region; and 17 per cent from the Mid- and Far-western Regions.<sup>61</sup>

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<sup>61</sup> The discussion with journalists of the two regions was held as a combined event.

Most of the participants in the survey had received a bachelor's degree (52%), followed by those who had completed high school 32 per cent. The remaining had completed the master's level. Similarly, a majority of the respondents (85%) were members of the FNJ, and 69 per cent said they were members of one or other associations of journalists: 48 per cent were members of Nepal Press Union affiliated to the Nepali Congress party, 25 per cent were members of Press Chautari Nepal, a group close to the Communist Party of Nepal (Unified Marxist-Leninist) or UML, which, in June 2014, sought and obtained formal affiliation, and 6 per cent said they were members of the Revolutionary Journalists Association, a sister organisation of the Unified Communist Party of Nepal (Maoist) or UCPN (M). Fifteen per cent of the respondents had political party membership, and among them 53 per cent said they were members of the Nepali Congress, 35 per cent of the UML and 12 per cent of the UCPN (M).

Fifty-four per cent of the respondents were reporters or stringers, 36 per cent editors or programme producers, and 10 per cent were involved in other activities. Among the respondents, 17 per cent also wrote regular columns, 21 per cent also wrote editorials, 14 per cent editorial commentaries, and 24 per cent hosted talk shows. The remaining 20 per cent did only what their positions required. Forty-seven per cent of the respondents worked at daily newspapers, 10 per cent at weeklies, 34 per cent in radio, and 9 per cent in television.

## Findings and analysis<sup>62</sup>

### *Why do Nepali journalists self-censor their work?*

Respondents said impunity in Nepal was the main reason leading them to resort to self-censorship of their work. While 48

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62 The findings and analysis are grouped according to the broad categories of the questions asked. For statistical tables please refer to Raghu Mainali and Binod Bhattarai, *Mero Patrakaritako Khabar* (News of My Journalism), Kathmandu: Alliance for Social Dialogue, 2013).

.....  
**15% of the respondents**  
**had political party**  
**membership.**  
.....

per cent said that impunity for those attacking the media and journalists was the reason they censored their work, 10 per cent said they

did the same to ensure professional safety, and also to ensure that they continued to remain within the fold of their political organisations.

Some other insights into the reasons the respondents self-censored their work are given below.

- For social, economic or financial reasons (6%)
- For reasons of their party politics (6%)
- To ‘balance’ the news and to ensure that it was not ‘objectionable’ (5%)
- To ensure social harmony (4%)
- To ensure that the information reported does not harm others (2%)
- Unknowingly (4%)

Among other reasons why journalists self-censored their work were to avoid being embroiled in disputes and threats, and also because of the editorial policy of their media organisations. Fear of reprisals by the state was a reason for self-censorship for 1 one per cent. Two per cent of the participants did not respond to the question.

### **Mechanics of self-censorship**

**Removing names:** There are different ways journalists self-censor their work. Among the respondents of the study, the most common practice was to remove the names of sources from stories when they feared they could face threats and intimidation. Fifty-four per cent respondents said they had removed names fearing retaliation. This applied to all journalists irrespective of

age, gender, type of media, location, educational level or position in news organisation.

**Softening/fudging content:** Fearing that content reproduced could result in harm, journalists often resorted to soften or to fudge content. Forty-eight per cent respondents said they had resorted to toning down statements. More journalists from the broadcast media said that they toned down content compared to those in the print media. Sixty per cent respondents from the print media said they did not tone down statements or soften or resort to fudging.

This softening of content could be influenced by the nature of the medium. Broadcasting is more immediate and therefore more likely for the content to receive immediate attention – and retaliation – unlike the print media. The attempts at ‘responsible’ journalism by toning down content could be another influence in this process.

**Ignoring content/events:** Thirty-four per cent respondents said they had knowingly suppressed wrongdoing despite being aware about what was going on, and, among them, 24 per cent said they did the same because they feared their safety. Another reason for ignoring news for 32 per cent respondents were: (with 8 per cent in each category) to avoid disputes; because the person involved was a relative; for additional investigation and fact-finding; and to ensure professional safety. Another reason for ignoring news was the institutional editorial policy (particularly when it applied to advertisers as was evident in the discussions) and for fear of causing a ‘negative impact’ in society. Interestingly, the decision on whether or not to ignore news was influenced by age: those who were in the comparatively higher age groups

.....  
**The most common practice was to remove the names of sources from stories when they feared they could face threats and intimidation.**  
 .....

tended to ignore (and play safe about) news they were not sure about rather than report it.

### Impact of self-censorship on information

**News becomes a collective decision:** In an ideal world, a journalist competes against peers to produce news. However, something else is involved in the news production process in situations where self-censorship prevails. There was the tendency

..... of journalists to consult peers  
**72% journalists feel that** across media to decide what  
**making political parties** to report on, and how. The  
**responsible could help end** respondents said they also  
**self-censorship.** decide whether something is  
..... newsworthy or not based on

consultations (67%). Eleven per cent said they did it for security reasons and 8 per cent said it was done to reduce risk (which is also related to security). Others consulted peers to either discuss ways to make the information more interesting and to assess the importance of the story.

**Erosion of trust of superiors (crisis of confidence):** Among the respondents, 24 per cent did not confide in their supervisors because they feared the information they share could be published against their desire. This was more so for journalists working in the broadcast media (radio and television) compared to the print medium. Some journalists at the discussions said there had been instances where the editors tampered with their copy and they therefore did not fully trust their supervisors.

**Confidence among peers:** Even though journalists might not have confidence in their supervisors – for various reasons – they tended to discuss information with peers. Sixty seven per cent of the respondents did this and their reasons for doing so were:

- Others also share such information (88%)
- Friends (peers) can provide advice (81%)
- In the hope others might report the information (that I could not) (73%)
- Sharing reduces the guilt of having hidden information (48%)

Even though this finding could be detrimental to the variety and pluralism of media content, this also suggests that an entry point for learning about professionalism in journalism could be consultations among peers.

### Perceptions about self-censorship

Fifteen per cent respondents said it was all right to self-censor, and, among them, 53 per cent said it was fine to withhold information for reasons of safety, while 6 per cent said it was okay to withhold information related to national security. Other reasons that caused them to self-censor were to reduce the possibility of harm on others, to protect their sources, and to take into consideration ‘social harmony’.

Among those who believed it was wrong to withhold information (85%), 34 per cent said it was the right thing to do as professional journalists, and 12 per cent said holding back information would constrict the people’s right to know. Another 13 per cent were of the opinion that correct information should not be withheld at any cost. The 85 per cent also included journalists who believed that hiding information would do greater harm to society. A majority of the respondents (92%) said that it was unlikely that suppressed information would remain hidden forever. In terms of social groups more women than men believed the opposite, and among journalists from

.....  
**24%** did not confide in their supervisors because they feared the information they share could be published against their desire.  
 .....

different regional and ethnic groups, more Madhesi respondents believed the same.

### **Extent of self-censorship**

Only 25 per cent respondents in the sample said they had never self-censored information, while 63 per cent said they had in one way or another. Among them, reporters (37%) said they began self-censoring when they began journalism while others said they had self-censored content on specific events. Many had begun self-censoring after the state imposed a state of emergency in 2001 (19%) and 5 per cent said they began after the post-2006 rise of ethnic and regional movements.

**15% respondents said it was all right to self-censor,**

### **An end to self-censorship**

Rule of law and better law enforcement could give a large number of respondents the confidence to stop censoring their work (85%). More journalists with higher education said that it was possible to end self-censorship with sound law enforcement. Those with higher education also believed that guarantees of safety by media companies alone were not enough to end self-censorship. There was general agreement among a majority (72%) that making political parties more responsible and supportive in assuring safety could help end self-censorship.

A large number of respondents said partisan divisions among journalists and the inability of media associations to function as one on professional matters was a major driver of self-censorship. Seventy-two per cent respondents believed that journalists' associations could play a major role in ending self-censorship. Financial security – better salaries and allowances, insurance, etc – was something that 50 per cent of the respondents said could help end self-censorship, but an equal proportion said this did not matter or preferred to remain neutral on the matter. In terms of region, more journalists

working in the plains said financial security was one way of ending self-censorship.

**‘Dangerous’ topics/subjects**

The participants in the survey suggested there were certain topics and subjects that were more prone to trigger self-censorship than others. These are:

**Local politics/leaders:** More than half the respondents (53%) said local politics and reporting on local politicians was ‘dangerous’ and another 23 per cent said the risk (danger) level depended on the situation. Generally, more male journalists were of the opinion that risk was relative, which could also be indicative of why fewer women report on politics locally or nationally compared to men.

**National politics/leaders:** Twenty-six per cent of the respondents said that reporting about national politics and national leaders was risky. While 41 per cent journalists said reporting national politics was safe, there were 33 per cent who said that the risk level was influenced by the situation. Generally, journalists working in the print media found this safe compared to those in broadcasting. Among journalists, reporters and stringers or those on the frontline said political reporting was dangerous.

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‘dangerous’.  
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**Local police:** Another subject considered risky for reporting was the local police: 37 per cent said this was an unsafe subject and 29 per cent were unsure about how to respond to the question. Journalists with higher levels of education found it unsafe to report on the local police compared to those with lower educational attainments. Similarly, 34 per cent respondents



said reporting about high-ranking police officials was unsafe and another 34 per cent were unsure about how to respond. Journalists with higher levels of education and those working in the broadcast media said reporting on high-ranking police officials was unsafe.

**Local governance and corruption:** In terms of subjects, local governance and corruption were stories that 74 per cent of respondents said were unsafe to handle. Only 19 per cent said they could report on these stories without fear. Similarly, 43 per cent said it was unsafe to report on national-level corruption, which is lower compared to reporting on local issues of corruption, while 36 per cent were unsure about how to respond to the question.

**Local crime and armed groups:** The subjects that most respondents (80%) thought were most risky were reporting on local crime and the activities of local armed groups. A higher proportion of women thought this to be unsafe compared to men, and journalists who were affiliated with the FNJ felt more secure reporting on such stories compared to those who did not have membership. Respondents also found it dangerous to report on national-level crimes and the activities of armed groups (68%) but fewer thought it was as dangerous as reporting the same issues at the local level.

### Why journalists self-censor?

Fear of losing jobs was not a reason for self-censorship for most respondents (70%), but 18 per cent did say it was job insecurity that caused them to self-censor. The fear of losing jobs was stronger among journalists in the broadcast media compared to those in the print.

Overall, 45 per cent journalists said the fear of attacks by those covered in the news caused them to self-censor, while 44 per cent said this was not a reason why they did it. Threats from individuals reported in the news was the reason for self-censorship for 39 per cent of the respondents, while 45 per cent said this was not the case for them and another 16 per cent remained neutral to the question. Comparatively, journalists from the higher age groups, those working in regions other than the Central region, and journalists in broadcasting said these were the reasons that caused them to self-censor.

.....  
**45%** journalists said  
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those covered in the news  
caused them to self-censor  
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Absence of rule of law was the major reason 71 per cent of the respondents said that led them to self-censor. Similarly, 66 per cent journalists pointed out the high impunity in the country, and only 37 per cent said financial insecurity and lack of insurance were reasons why they self-censored their work. Forty-one per cent said these factors did not matter and 22 per cent did not respond either way.



PART-4  
**The way forward**





Journalists in Nepal have been quite vocal about self-censorship and generally most of them understand it to be wrong. But, there is evidence that it continues to take place despite a noticeable reduction in violence against journalists. According to FNJ data, the number of incidents of attacks against journalists peaked in 2005/06 at 1683 and came down to 44 in 2012/13. Monitoring data of the organisation, Freedom Forum, also reports a similar trend even though the numbers are not the same as that of the FNJ.<sup>63</sup> Much of the self-censorship seems to result from the general sense of insecurity in the country, which began with the Maoist conflict in 1996. The insecurity has prevented journalists from practising the profession freely and professionally even after 2006, owing to fears resulting from the general breakdown of law and order and public security. The low confidence in rule of law and law enforcement and a disbelief in a fair chance to ensure that their assailants will be punished are the main driving factors of self-censorship.

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**People become powerless  
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 and without fear.**  
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Journalists are expected to be independent in a democracy. The general public expectation is that they keep watch on the state, and its organs on behalf of the citizens. Typically, they are expected to work to make public agencies accountable to citizens, and be transparent in the conduct of business. This process helps put in place a system of checks and balance, a prerequisite for democracy to thrive. Threats and attacks on journalists disrupts this vital process because, 'every journalist killed or neutralized by terror is an observer less of the human condition. Every attack distorts reality by creating a climate of fear and self-censorship.'<sup>64</sup>

<sup>63</sup> Personal email communication.

<sup>64</sup> Barry James, *Press Freedom: Safety of Journalists and Impunity* (Paris: UNESCO, 2002).

People become powerless without information, particularly information that is collected and disseminated independently and without fear. Without adequate information the public is forced to believe information provided by traditional power centres, usually the rich and the powerful, and this invariably seeks

..... to propagate on behalf of  
**Self-censorship changes the** existing power relationships.  
**democratic equation.** Democracies are deprived of  
..... independent debate when

media and journalists come under the influence of these power centres. Only independent information can inform debates impartially and that is where journalism, free from fear and other inducements, can play a major role in a democracy, a fact that has been aptly described by the United Nations High Commissioner for Human Rights, Navi Pillay:

Sound, bold and independent journalism is vital in any democratic society. It drives the right to hold and express opinions and the right to seek, impart and receive information and ideas. It ensures transparency and accountability in the conduct of public affairs and other matters of public interest. And it is the lifeblood that fuels the full and informed participation of all individuals in political life and decision-making processes.<sup>65</sup>

Journalism will cease to be sound, bold and independent when there are different influences on journalists' ability to write and report independently, or when it is distorted by various interests – political, financial, clan loyalties and kinship.

### **Self-censorship and democracy**

Self-censorship changes the democratic equation. In an environment of insecurity, journalists all over the world – including

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<sup>65</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14682&LangID=E> (viewed 13 June 2014).

Nepal, as evidenced by this study – sometimes stray from reporting news they feel could increase their insecurity. Further, even when they report, they do it in ways that might not always tell the full story. Such information is of little help towards generating the type of information needed for democracies to flourish. This is because partial or inadequate information can be disempowering for those who do not have it, while those in possession of it are placed advantageously in an unequal power relationship to be able to steer any debate.

There are larger political economy issues that are also shaping the media, in particular the fast-changing markets. As the Indian journalist, Rajdeep Sardesai, says, ‘Many of us are no longer true to our calling: we peddle half truths, and, at times, downright sensationalism in the belief that it is no longer enough to “tell” a story, but that the story must be “sold” in a manner that will attract maximum eyeballs.’<sup>66</sup> In its extreme form, journalism can change into something totally new where ‘owners have little interest in the classical idea of journalism as being the relentless pursuit of the truth’ and turn into what Sardesai calls ‘a mix of *supari* journalism that seeks to fix someone or one that promotes mindless infotainment.’<sup>67</sup>

In Nepal, much of the pressure on journalism does not seem to be emanating from the market, yet there are signs that this

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 the industry.**  
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<sup>66</sup> Rajdeep Sardesai, ‘Time for media to turn the gaze inwards’, *Hindustan Times*, 23 March 2014. <http://www.hindustantimes.com/comment/rajdeepsardesai/time-for-media-to-turn-the-gaze-inwards/article1-1199548.aspx>.

<sup>67</sup> [http://www.firstpost.com/politics/calling-a-spade-an-axe-indian-media-is-partisan-compromised-1447817.html?utm\\_source=ref\\_articlehttp://www.firstpost.com/politics/calling-a-spade-an-axe-indian-media-is-partisan-compromised-1447817.html](http://www.firstpost.com/politics/calling-a-spade-an-axe-indian-media-is-partisan-compromised-1447817.html?utm_source=ref_articlehttp://www.firstpost.com/politics/calling-a-spade-an-axe-indian-media-is-partisan-compromised-1447817.html) (viewed on 25 March 2014).



could soon be a major factor. This is clear by how the media cover advertisers known as ‘our party’ in some newsrooms. The pressure to maintain a healthy cash flow has become tremendous for media, both in Kathmandu and in the districts, as a result of the rapid growth of the industry. The market is not unaware of this and could soon be using the media to serve its interests in a manner more visible than what is already taking place.

Coming from a background of state controls on the media, journalists feared the state and its agencies. That seems to be shifting to political parties and organisations affiliated with

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**The fear factor generally results from insecurity and impunity and seemed higher among journalists working in the districts, compared to their Kathmandu-based counterparts.**  
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them. This continues to influence the ability of journalists to tell the full story, thereby raising questions about their ability to continuously keep close watch over these institutions on behalf of the public. The fear factor generally results from insecurity and impunity and

seemed higher among journalists working in the districts, compared to their Kathmandu-based counterparts.

### **Self-censorship by media type**

Across the media, self-censorship seemed to be higher among journalists in broadcasting compared to those working for the print media. One reason for this could be the low trust reporters have in their editors and producers. Some reporters said they deliberately withhold information the publication or broadcast of which they feel could cause them harm rather than discuss the matter with their supervisors. This relates particularly to news and information about advertisers and sponsors. This tendency was higher among journalists in the broadcast media compared to the print medium and could be the result of independent broadcasting being relatively new and already a highly

contested and competitive arena while it also has people with lower training, exposure and experience compared to print journalists. Professional insecurity – or the fear of losing jobs – also seemed to be a bigger concern for journalists in broadcasting compared to their print counterparts. This could be explained by the low level of institutionalisation of broadcast organizations, and the lack of clear policies governing staff, which was evidenced by a pilot study of 15 community radio stations in 2012.<sup>68</sup>

Among stories/subjects considered ‘dangerous’ or risky by journalists were local and national politics, particularly the misdoings of politicians. Police and police officials, activities of armed groups, and local stories about corruption were also identified as risky. While it could be true that there are risks involved in dealing with such issues, that journalists themselves perceive these topics as risky raises questions about how the media is living up to its ‘watchdog’ role. Particularly, because these are issues that matter to people, and a functional democracy is about an independent Fourth Estate checking and reporting on excesses by those in various positions of power.

### **Partisan journalism and self-censorship**

The fear that explains why important stories and misdoings of important people are not reported as they should have been is perhaps also related to the growing political polarisation among journalists where a large number of them are not seen as independent professionals but influenced by their political leanings.<sup>69</sup> Partisanship becomes a security concern when journalists are perceived to be taking sides and everyone becomes

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<sup>68</sup> Community Radio Support Centre/ Nepal Forum of Environmental Journalists, *Community MHz: Assessing Community Radio Performance in Nepal* (Kathmandu: Community Radio Support Centre/ Nepal Forum of Environmental Journalists, 2011).

<sup>69</sup> Political influences become evident during the FNJ election with different panels of candidates openly supported by different political parties and interest groups.

vulnerable being branded as the ‘other’ by those not subscribing to similar political views. This mix of journalism and politics sets of a vicious cycle of compromises where journalists who feel threatened align with one political side or another for ‘protection’ (because law enforcement agencies are also influenced by

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Partisanship becomes a security concern when journalists are perceived to be taking sides and everyone becomes vulnerable being branded as the ‘other’ by those not subscribing to similar political views.  
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the political powers that be or is ineffective as discussed above). This, in turn, further distances journalists from professionalism and independence, exposing them to more threats and harm from those not subscribing to the politics the journalists identify with. Other factors that fuel this vicious cycle

are lack of adequate professional security and job guarantees (that political affiliation often assures) and the inability of representative organisations to assure journalists adequate job security through reasoned collective bargaining with owners and employers.<sup>70</sup> Impunity for those who have attacked journalists, and financial insecurities, including inadequate work-place protections, such as insurance and adequate salaries and perks, are other factors driving self-censorship.

## Discussion

There are many reasons why journalists self-censor. It includes the willingness to project and protect one’s political ideology; maintain financial, social and family relations; and even ensure that news is not ‘imbalanced, inhuman and uncivilised, for safeguarding social harmony’. Other reasons are lack of resources for investigation, ‘to avoid controversies’, editorial policies

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<sup>70</sup> The FNJ is not registered as a trade union, and therefore has not engaged in legal collective bargaining with employers. Even though some other journalist organisations are registered as unions, they too have not engaged in collective bargaining.

(directives), and attempts to avoid audience grievances and threats. These are some of the reasons identified in the course of this study. One participant in the discussion had this to say: ‘I thought I had not self-censored myself, but this discussion has caused me to think that I have also been self-censoring, without knowing it.’

The different ways in which journalists self-censor content is to ignore news they do not want to cover, to alter or remove names of sources and avoid news and events considered ‘unsafe’, or to tone down or fudge content.

Generally, younger journalists seemed to be more open to reporting what they come across compared to those with more years of experience.

This could be the function of seeking professional and personal security because as journalists grow older they also have larger responsibilities (including families) and this could be why prefer to play safe. Further, having been in the profession for a long time senior journalists

are also likely to be more knowledgeable about impunity and how the state has addressed (or not addressed) crimes related to attacks on media. Or, they could have been co-opted by the business and government elites and decided to stand on their side. This factor could also be influencing their decisions when it comes to censoring their own content.

Generally, if a newspaper or radio removed some names or played around with content, it would not have mattered much in a situation where other media were independent and competitive because they would have carried the story. In the case of Nepal, this may not be the case because journalists said they often also discuss ‘how’ to cover certain events and in

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this process it is likely they all also agree on what to exclude or include.

It is evident that the problem of self-censorship in Nepal is real and continues, but it is also not something beyond correction. Journalists who are part of professional associations felt more secure, and therefore were less likely to self-censor content.

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**The problem of self-censorship in Nepal is real and continues, but it is also not something beyond correction.**  
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This is because journalists associations have been vocal about attacks on journalists and the media and this can provide those in the profession a sense of security. However, the interest of journalists' associations

on cases where journalists have been attacked has fluctuated, and they have also done nothing substantial towards improving the professional work environment, other than lobby politicians to pressurise owners.

It has almost become routine for every newly elected body of the FNJ to petition the government with demands, while they have not made similar efforts to begin consultations with owners. Therefore, making journalists' associations more focused on protecting the interests of journalists, including workplace security, could help lower the fear factor and reduce self-censorship as well. This, however, may not be likely in the short run given the partisan nature of journalists' associations, and the control political masters tend to wield over party-affiliated organisations. This is also reason why the associations rely more on government support, including insurance, rather than negotiate with media owners.

Self-censorship can be reduced through greater professionalism that comes with abidance with the professional standards of journalism, particularly with regard impartiality, fairness and balance in coverage. This would mean keeping personal politics outside the newsroom, which can be aided through continuous training and capacity building, and by creating platforms where

journalists can discuss their workplace dilemmas with peers and coaches. One such platform could be a closed, moderated, discussion page on the internet, an innovation that was begun during these discussions but has since become dormant.

The overall social and political environment influences the level of self-censorship. Unclear and broadly defined laws can cause journalists to interpret them in their own ways and try to remain under the radar, and this could result in understating information or under-reporting. Clauses in Nepali laws such as ‘undermining’ peace and social harmony or not writing or broadcasting anything that undermines the ‘harmonious’ relations among various

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social groups leave much open for interpretation. For example, the binding factor between the proposed federal units is politics and restricting this could lead parties in dispute to seek other – sometimes violent – means to resolve disagreements. Therefore, clarity in laws and policies are the first step towards building an enabling environment for journalism, which can in turn help reduce self-censorship. Further, there are issues about law enforcement, particularly against suspects affiliated to political parties or powerful individuals accused of attacking journalists and media.<sup>71</sup> The inability of the state to investigate cases where journalists and the media have been attacked and letting the culprits get away has had a chilling effect on the entire profession and that, in turn, affects the ability of the sector to keep audiences adequately informed.

Self-censorship results from a number of factors, and addressing it also requires a grounded, strategic approach to deal with

<sup>71</sup> While there have been investigations on attacks and murders on journalists, threats and harassments have largely been left unattended.

them. The following model of self-censorship in Nepal helps clarify the influences for prioritising interventions. From the study, it has become apparent that the major influences on professionalism of the individual journalist are personal relationships, political ideology, management policies, peer pressure, and lack of education and training. But these factors do not exist in a vacuum because each is influenced by a host of others, including the social and political context, public order, and rule or law or lack thereof, and the resulting impunity. Next, there are issues of physical safety and professional security. The first is related to law enforcement while the latter is influenced by corporate policies. All other factors such as political and social environment, rule of law and law enforcement, and impunity are components of the overall environment in which journalists practise their profession. This environment must also be enabling in order to re-invigorate the profession and enable it to function independently as is expected of it in a democracy.

Freedom of expression and the ability of citizens, including journalists, to express their opinions and views freely is the

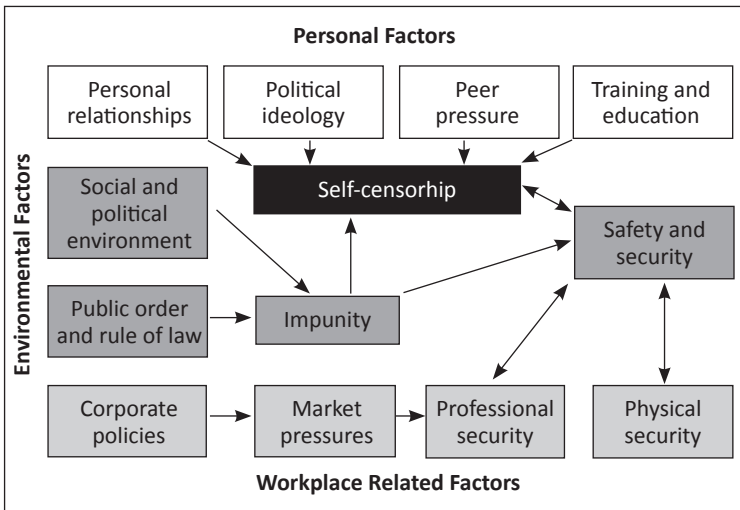


Figure 1: Factors influencing self-censorship in Nepal

cornerstone of democracy. Because journalists and the media play the vital role of bringing to the public sphere opinions and views and also provide the people information needed to enrich their views, democracies are required to create an environment where the media and journalists can operate without fear. A situation where journalists have to self-censor news and information does not bode well for a democracy. But, this is what happens when journalists are placed in a situation where they cannot provide complete information, or are forced to produce information that contains narratives, sources, descriptions, photographs, illustrations, etc., but are essentially devoid of complete information. This type of journalism brings an end to plurality in a manner similar to the McDonaldisation of the hamburger. In this case, standard inputs (including process) determine the final output that appears and tastes like food minus the specificity in terms of flavours and colours that have been killed by over 'rationalization'.<sup>72</sup>

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Journalism is a profession in which there will always be people who will not like what journalists do, particularly individuals and groups whose excesses have been exposed. The safety and security of journalists, editors, publishers and media companies is therefore vital for ending self-censorship. It is not only threats and physical attacks that make journalists feel insecure; it is also their professional safety in terms of job contracts, salaries

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<sup>72</sup> The result of McDonaldisation 'is an efficient, logical sequence of methods that can be completed the same way every time to produce the desired outcome. The outcome is predictable. All aspects of the process are easily controlled. Additionally, quantity (or calculability) becomes the measurement of good performance.' From: <http://www.mcdonaldization.com/whatisit.shtml> (viewed 5 June 2014).



and benefits. The levels of impunity in society, particularly where those attacking journalists are not punished, add to the fear factor. All of these influences affect the type and volume of information that is available to the public and that determines the quality of debate. Because there are many factors that lead to self-censorship and determine the pervasiveness of the practice, addressing it needs a strategic approach that takes into account all the diverse reasons that cause journalists to hold back on what they know – and undermine the public’s need to know.

One precondition for reducing (if not ending) self-censorship is the general guarantee of security where all citizens, including journalists, can feel secure. Only when the public, and journalists are assured that wrongdoing will be punished and the weak

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are protected can journalists practise their profession without fear. Further, because journalists and the media have a special function in society, where they mediate debate and dialogue between the different social groups, it is imperative for societies to put in place mechanisms

to ensure that the media and journalists are provided special protection when they are threatened or harassed for trying to do their jobs. Media companies also have a role to play in this regard; they need to assure adequate workplace and professional security in terms of fair job contracts, including insurance, editorial independence, and capacity-building support.

Journalists can function without fear when they feel they have public support for their work. But such support is only possible when the public believes that journalists are impartial, fair and balanced, and the information they provide is relevant and takes into account their concerns. Journalists can address these issues through professionalism and by holding up their

standards to match public interest and not compromising on influences such as financial inducements or partisan and social relationships. Professionalism can result from journalism driven by internationally accepted values and standards and ethical conduct. There is a need for journalists to enhance their professional standards because only when the public is convinced that the media and journalists are on their side will it stand by them in times of difficulties.

The values and standards that journalists adopt can affect their safety. Being impartial and fair – and seen by others as such – is the first line of defence, and this can come from setting high professional standards and abiding by them. On the contrary, public perception of journalists as being partial or not fair and independent can make them targets of attacks and harassment by those who feel they belong to the ‘other’ side.

Good journalism requires a supportive and independent newsroom. There is therefore the need for clear and enforceable institutional ethical standards and codes to measure the performance of journalists. This is also true for the independent regulation of media in Nepal. The current ‘Code of Journalistic Ethics’ is a mix of ideals and codes that cannot be enforced because of the vagueness of language. Revisiting these codes and updating them in consultation with media organisations and journalists can assist in the creation of an enabling environment required to make journalism impartial, fair and independent. A clear and enforceable code of conduct can also help in making journalists accountable towards their work.

Difficult working environments require the adoption of special measures to assure journalists of their personal safety. It begins with awareness about the risks among journalists and

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media owners, and taking preventive action such as training on staying safe, and other supportive measures such as insurance and health coverage, and a robust protection mechanism for responding to situations before and after attacks. Capacity building of journalists has to be a continuous process carried out in partnership with media companies, professional trainers and educators to ensure consistency in instruction.

Journalism has traditionally been of a one-way channel of communication but that is changing with the spread of web connectivity. While media can now obtain feedback from the internet and social platforms, there is also a need for regularly study-

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ing media content to provide media and journalists professional feedback on how they are doing as watchdogs for the public. Such evaluations, conducted by independent research organisations, can provide feedback to journalists on content but also infor-

mation on public perceptions on how well the media is playing the role expected of it in a democracy.

Anti-competitive practices in media, informal news fixing, partisanship and hiring practices remain major blotches on the professional conduct of journalism in Nepal. Such activities include informal cartels formed by media owners, particularly the agreement to not hire someone fired by another organisation for a certain period of time. Such a practice can force journalists to be subservient to the interest of owners. Hiring is also influenced by the politics (real or perceived) of the journalist, and such a system can discourage both independence and free competition. This situation in the job market has forced many journalists to also under-cut peers on salaries, giving owners an upper hand in hiring decisions, and this power enjoyed by owners can also influence the independence of news content.

The socio-political environment also influences how journalists and the media in general perceive their safety, and this affects their ability to report freely and fairly. It is the state's responsibility to ensure an enabling environment for journalists to do their work. This can be done through policies and laws that meet international standards and by establishing an independent and effective regulatory mechanism for arbitrating complaints against media. This is not a choice but an obligation of the state because Nepal has acceded to various international agreements that commit it to upholding the rights of the media, and these need to be legislated and internalised. The framework for comparable national legislation can be derived from the Universal Declaration on Human Rights and the International Covenant for Civil and Political Rights (ICCPR), Article 19 of which provides that

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his (or her) choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - a) For respect of the rights or reputations of others;
  - b) For the protection of national security or of public order (ordre public), or of public health or morals.<sup>73</sup>

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<sup>73</sup> <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>(viewed 28 February 2014).

The ICCPR also allows for making laws to bar any propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (ICCPR: Article 20) and can therefore serve as a basis for national legislation.

More recently, in 1997, UNESCO's Resolution 29 on the violence of journalists asked governments to remove 'any statute of limitations on crimes against persons when such crimes are

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expression, and ensures that  
the guilty are punished.  
.....

perpetrated to prevent the exercise the freedom of information and expression or when their purpose is the obstruction of justice.' This has been supported by Security Council resolution 1738 (December 2006) that urges UN member states 'to comply with the relevant obligations under international law to end impunity and to prosecute those responsible for violations, where actions have not been taken.'<sup>74</sup>

Safety can result when journalists perceive that the judicial system is responsive, treats attacks on journalists as attacks on free expression, and ensures that the guilty are punished. Nepal's media laws (both print and broadcasting) date back to the early 1990s, and therefore need to be thoroughly reviewed and updated, also taking into account restrictive provisions that exist in other laws on security and secrecy as well as defamation. The demand side of information can be improved through media literacy programmes to assist the public to differentiate and understand media content – until there is a fully professional media in Nepal – to enable them to contextually analyse news and information.

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<sup>74</sup> IPDC/UNESCO, 'Intergovernmental Council of the International Programme for the Development of Communication: Collection of Basic Texts', 2009, pp. 28-29.

An immediate measure to address the climate of fear among journalists includes the establishment and operationalisation of an effective mechanism to respond to emergencies – threats, harassments and attacks on journalists and the media. Such a mechanism would need the support and participation of all stakeholders – government, law enforcement agencies, journalists’ associations, organisations working the freedom of expression, and human rights advocates. However, ensuring effective safety would also depend on the professionalism of media

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**Robust and multi-stakeholder safety mechanisms can assist towards improving the general environment in which journalists work.**  
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associations. They need to take a proactive role in initiating and carrying out activities to ensure reduction of physical attacks on journalists as well as those aimed at tackling issues related to workplace safety and security. This can begin when every member in the community of journalists begins to function independently and not as extension of other interests, including partisan politics. Because journalists’ associations tend to focus on matters important to their constituents because that is their main mandate, what is required is an independent safety mechanism that would support both promotion and protection measures in cooperation with several state agencies. Robust and multi-stakeholder safety mechanisms can assist towards improving the general environment in which journalists work.

Finally, only an end to impunity for those who have attacked journalists and media, and those who continue the attacks, can help in raising the confidence among journalists and the media, and lead to a reduction in self-censorship. This can happen only when there are actionable guarantees in support of free, fair and independent journalism.



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Annex

**Questionnaire used in the survey**  
*(All individual responses are confidential)*





## Self-Censorship Survey 2011 RESEARCH PARTICIPATION CONSENT PAGE

**INTRODUCTION:** You are invited to participate in a research study conducted by Binod Bhattarai as a platform activity of the Alliance for Social Dialogue (ASD) on the growing insecurity of the press and the resultant self-censorship. You were chosen to participate in the research because you have come to this discussion on self-censorship. Participants who agree to fill out the questionnaire may also be interviewed for the final publication (an academic paper or a book). Participation is entirely voluntary; you may decide to participate in this study.

**PURPOSE:** The purpose of the study is to investigate various strategies to reduce self-censorship. Results of the research will be part of a manuscript submitted for publication in an academic journal or in a book at some time in the future. *Your name will be included in this publication only with your permission. In case you are also consulted separately, your permission will be sought again before mentioning you as a source of information.*

**PROCEDURES:** A researcher may conduct follow up interviews if you decide to participate in this research. Your interview may be taped and/or video recorded. *Sample questions will include but not be limited to: 1) Please elaborate on your experience of having censored yourself or written or said less than what you would have done in an environment you felt more secure; 2) Whose responsibility do you think it should be to ensure that there is minimal self-censorship? How? 3) Describe what you see as the major obstacles for enabling journalists to feel secure in post-conflict transitional countries, and 4) What can ensure that you will report what you want to freely and without fear?*

**RISKS, INCONVENIENCES, AND DISCOMFORTS:** There are no known major risks to your participation in this research. However, if you feel you could be targeted for saying what you say by your organization or others, please inform the researcher accordingly.

**POTENTIAL BENEFITS:** There are no major benefits to you for your participation, but a potential benefit may be to be included in a journal article or book when it is published.

You are encouraged to ask any questions, at any time, that will help you to understand how this research will be performed and/or how it will affect you. **You may contact: [bbhattarai2006@gmail.com](mailto:bbhattarai2006@gmail.com) with your questions.**

Your signature indicates that you have read and understood the information provided above, that you willingly agree to participate, that you may withdraw your consent at any time and discontinue participation.

---

Signature

---

Date

*If you agree to participate in this study please proceed to page 2 and respond to the questions. If not please return the questionnaire.*

## PART I: Preliminaries

1. **Full Name** (Please write): .....

2. **Age** (Please write): .....

3. **Gender** (Please circle one)

1. Male

2. Female

3. Third gender

4. **Your Caste/ethnicity/social identity** (please circle one)

Mountain Region:

101. Sherpa

102. Bhote

103. Thakali

xxx. Other (specify) \_\_\_\_\_

Hill Region:

201. Chhetri

202. Bahun

203. Magar

204. Tamang

205. Newar

206. Kami/B.K.

207. Rai

208. Gurung

209. Damai/Pariyar

210. Limbu

211. Thakuri

212. Sarki/Mijar

213. Sanyasi

214. Gharti/Bhujel

215. Sunuwar

216. Chepang

217. Thami

218. Yakha

219. Pahari

220. Chhantel

221. Gandharva

222. Jirel

223. Dura

224. Churaute

xxx. Other (specify) \_\_\_\_\_

Tarai Region:

301. Tharu

302. Muslim

303. Yadav

304. Teli

305. Chamar

306. Koiri

307. Kurmi

308. Dhanuk

309. Musahar

310. Dushad

311. Kewat

312. Brahman Tarai

313. Baniya

314. Mallaha

315. Kalwar

316. Kumal

317. Hajam

318. Kanu

319. Rajbansi

320. Sudhi

321. Lohar

322. Tatma

323. Khatwe

324. Dhobi

325. Majhi

326. Nuniya

327. Kumhar

328. Danuwar

329. Halwai

330. Rajput

331. Kayastha

332. Badahi

333. Marwadi

334. Satar

335. Jhangar

336. Bantar

337. Barai

338. Kahar

339. Gangai

- |            |                            |               |
|------------|----------------------------|---------------|
| 340. Lodha | 341. Rajbhar               | 342. Dhimal   |
| 343. Binda | 344. Bhediya               | 345. Nurang   |
| 346. Darai | 347. Tajpuriya             | 348. Chidimar |
| 349. Mali  | xxx. Other (specify) _____ |               |

5. **Religion** (Please circle one)

1. Hinduism
2. Buddhism
3. Islam
4. Christianity
5. Kirat
6. Atheist
- x. Other (Please specify) \_\_\_\_\_

6. **Where do you work (work base)?** (Please circle one)

1. Eastern Region
2. Central Region
3. Western Region
4. Mid-Western Region
5. Far-Western Region

7. **Education (Completed)** (Please circle one)

1. Under 10<sup>th</sup> grade
2. 10<sup>th</sup> grade completed
3. SLC
4. Intermediate level
5. Bachelor's level
6. Master's level or higher

8. **Are you affiliated with the Federation of Nepali Journalists?**

1. Yes
2. No

9. **Are you affiliated with any other journalists union/association?**

1. Yes (continue to 10)
2. No. (go to 11)

10. **If yes, your affiliation** (Please circle the organisation)

1. Nepal Press Union
2. Press Chautari
3. Revolutionary Journalists Association
- x. Other (Please specify) \_\_\_\_\_

11. **Are you a member of a political party?** (Please circle one)
1. Yes (continue to 12)
  2. No (go to 13)
12. **If yes, your party affiliation** (Please circle one)
1. United Communist Party of Nepal (Maoist)
  2. Nepali Congress
  3. Communist Party of Nepal (UML)
  4. Madhesi Janaadhikar Forum Nepal
  5. Madhesi Janaadhikar Forum Loktantrik
  6. Terai Madhesh Loktantrik Party
  - x. Other (Please specify) \_\_\_\_\_
13. **Work Media type** (Please circle one)
1. Print daily
  2. Print weekly
  3. Print fortnightly
  4. Radio
  5. Television
  - x. Other (Please explain) \_\_\_\_\_
14. **Work position** (Please circle one)
1. Stringer
  2. Reporter
  3. Desk-editor (Mid-level)
  4. Radio presenter/jockey
  5. TV presenter/jockey
  6. Editor/Producer (content decision maker)
  7. Chief Editor/Chief producer
  - x. Other (please specify) \_\_\_\_\_
15. **Other functions you do as a journalist other than your regular work(Please circle the main activity or the one you do most):**
1. Write regular columns (weekly or biweekly)
  2. Write editorials
  3. Write op-ed articles
  4. Host talk shows
  - x. Other (Pease explain) .....
16. **Indicate the beat or area you work on; if you cover all areas write "all":**
- .....



## PART II: Self-Censorship

**17. Have you excluded a name of a person in your story/report because you felt disclosure would be dangerous?**

1. Yes (continue to 18)                      2. No (go to 19)

**18. If you have excluded the name of a person, please use a scale of 1-5 to indicate (using numbers) to say if you (1) strongly disagree, (2) disagree, (3) neither agree nor disagree, (4) agree, (5) strongly agree with the statements below.** (Please circle one in each row)

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
a. Including the name would portray the person you knew negatively	1	2	3	4	5
b. Including the name could make you a target of the person reported about	1	2	3	4	5
c. You knew him/her personally and wanted to keep the information out to protect his/her reputation	1	2	3	4	5
d. The person could negatively influence your career prospects	1	2	3	4	5
e. The person had occasionally helped you out financially	1	2	3	4	5
f. The person was someone close to the political party you support	1	2	3	4	5
g. To show that I support the person while he or she is in power	1	2	3	4	5
x. Other (specify) .....	1	2	3	4	5

**19. Have you “toned down” a quotation or what a source told you thinking it might harm the source?**

1. Yes (continue to 20)                      2. No (go to 21)

20. If you have toned down a quotation, please use a scale of 1-5 to indicate (using numbers) to say if you (1) strongly disagree, (2) disagree, (3) neither agree nor disagree, (4) agree, (5) strongly agree with the statements below. (Please circle one in each row)

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
a. Including the name would portray the person you knew negatively	1	2	3	4	5
b. Including the name could make you a target of the person reported about	1	2	3	4	5
c. You knew him/her personally and wanted to keep the information out to protect his/her reputation	1	2	3	4	5
d. The person could negatively influence your career prospects	1	2	3	4	5
e. The person had occasionally helped you out financially	1	2	3	4	5
f. The person was someone close to the political party you support	1	2	3	4	5
g. To show that I support the person while he or she is in power	1	2	3	4	5
x. Other (specify) .....	1	2	3	4	5

21. Have you pretended not to know of some wrongdoing and decided not to report it?

1. Yes (continue to 22)

2. No (go to 23)

22. Please explain why?

.....

23. Do you discuss what to report and what not to report with your peers and report only what you and your peers think can/should be reported?

1. Yes (continue to 24)                      2. No (go to 25)

24. Please explain why?

.....

25. Have you kept back information from the editor/supervisor thinking that if you disclosed it he/she would want to publish it against your will?

1. Yes (continue to 26)                      2. No (go to 27)

26. If you have kept back information from editor/supervisor thinking that if you disclosed it he/she would want to publish/broadcast it against your will, please use a scale of 1-5 to indicate (using numbers) to say if you (1) strongly disagree, (2) disagree, (3) neither agree nor disagree, (4) agree, (5) strongly agree with the statements below. (Please circle one in each row)

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
a. Publishing/broadcast could endanger you personally	1	2	3	4	5
b. Publishing/broadcast could affect the image of political party you support	1	2	3	4	5
c. Publishing/broadcast could affect your access to occasional financial support	1	2	3	4	5
d. Publishing/broadcast could affect your family and friends	1	2	3	4	5
e. Publishing/broadcast could affect your career prospects	1	2	3	4	5
x. Other (specify) .....	1	2	3	4	5

27. Have you shared your experience of keeping back information from editor/supervisor with your friends?

1. Yes (continue to 28)                      2. No (go to 29)

28. If you have shared your experience of keeping back information with your friends, please use a scale of 1-5 to indicate (using numbers) to say if you (1) strongly disagree, (2) disagree, (3) neither agree nor disagree, (4) agree, (5) strongly agree with the statements below. (Please circle one in each row)

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
a. My friends also share such information	1	2	3	4	5
b. It feels good to share because someone could report/write about it	1	2	3	4	5
c. My friends can advice on what I should do with the information	1	2	3	4	5
d. Sharing reduces the guilt of having hidden the information	1	2	3	4	5
x. Other (specify) .....	1	2	3	4	5

29. Do you think self-censorship or keeping back information for some reason (possible threat, loss of friends, loss of political connections, etc.) is good?

1. Yes    2. No

30. Please explain why?

.....

31. Do you think self-censorship or keeping back information for some reason (possible threat, loss of friends, etc.) will keep the information from public knowledge forever?

1. Yes    2. No

32. Is self-censorship a problem that concerns only a journalist?

1. Yes    2. No

**33. Please explain why?**

.....

**34. When did you start self-censoring your work?** (Please circle one)

- 1. Ever since I began working as a journalist
- 2. After 2001 when the conflict in Nepal escalated
- 3. After the 2006 change of regime and the start of the peace process
- 4. After the Constituent Assembly election (2008)
- 5. I have never self-censored by work (go to 36)
- 99. Don't know/cannot say
- xx. Other (Please explain) .....

**35. Why do you self-censor your work?** (Please write)

.....

.....

**36. What would prevent you from self-censoring your own work? Please use a scale of 1-5 to indicate (using numbers) to say if you (1) strongly disagree, (2) disagree, (3) neither agree nor disagree, (4) agree, (5) strongly agree with the statements below. (Please circle one in each row)**

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
a. Guarantees of protection from law enforcement agencies	1	2	3	4	5
b. Guarantees of protection by employer	1	2	3	4	5
c. Guarantees of protection by political parties	1	2	3	4	5
d. Support from peers/journalism organizations/associations	1	2	3	4	5
e. More financial security	1	2	3	4	5
x. Other (specify) .....	1	2	3	4	5

37. Rate what you think are the “safe” stories or those that you could report without censoring yourself? (1 = safe, 2 = unsafe, 99 = don't know/cannot say) (Please circle one in each row)

	Safe	Unsafe	Don't know/ cannot say
a. Reporting/writing about local politics and political leaders	1	2	99
b. Reporting/writing about national politics and political leaders	1	2	99
c. Reporting/writing about local police officials	1	2	99
d. Reporting/writing about national police officials	1	2	99
e. Reporting/writing about local corruption	1	2	99
f. Reporting/writing about national corruption	1	2	99
g. Reporting/writing about local crime and armed groups	1	2	99
h. Reporting/writing about national crime and armed groups	1	2	99
x. Other (Please explain) .....	1	2	99

38. For each statement below, indicate (write down number) whether you (1) strongly disagree, (2) disagree, (3) neither agree nor disagree, (4) agree, (5) strongly agree with the statements below. (Please circle one in each row)

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
a. Fear of losing job makes me insecure and therefore I self-censor	1	2	3	4	5
b. Fear of physical harm from those I write/report about causes me to self-censor	1	2	3	4	5
c. Threats from those I write/report about causes me to self-censor	1	2	3	4	5

d. General insecurity and poor law and order causes me to self-censor	1	2	3	4	5
e. Impunity against those who have killed journalists causes me to self-censor	1	2	3	4	5
f. The lack of insurance and other support measures causes me to self-censor	1	2	3	4	5
x. Other (specify) .....	1	2	3	4	5

39. What would cause you to stop self-censoring your work?

.....

Thank you.

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**“Sometimes the ink in the pen is removed, sometimes  
the nib is broken. Sometimes the cover of the pen  
does not open, sometimes the pen writes  
something it cannot write everything.”**

**Prateek Pradhan**

*Nagarik, 23 March 2014*

