

UPR Pre-Session Statement

Legal framework around freedom of expression and media freedom, Digital Rights

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Introduction

Thank you, Madam/Sir Moderator,

I am speaking on behalf of Media Action Nepal and ARTICLE 19.

Media Action Nepal, established in 2015, is a leading Nepali civil society organization dedicated to promoting freedom of expression, the safety of journalists, the right to information, and media accountability. We work closely with journalists, policymakers, and human rights defenders to foster independent, inclusive, and responsible media.

ARTICLE 19, founded in 1987, is an international organization that defends and promotes freedom of expression and information worldwide — through advocacy, legal intervention, and partnerships with civil society across the globe.

Our joint UPR stakeholder submission for Nepal's fourth cycle was prepared following national consultations in May 2025, organized jointly by Media Action Nepal and ARTICLE 19. These consultations included women journalists and diverse civil society voices from across the country.

National Consultations

While we welcome the Government of Nepal's efforts in preparing its national report, we note that structured and inclusive national consultations with independent media, journalists, and civil society were limited. The government must ensure transparent and participatory consultations in future UPR processes, in line with UN guidance.

Thematic Focus

Our statement focuses on media freedom and the safety of journalists, with a gender and intersectional lens. Despite constitutional guarantees, Nepal's legal environment remains restrictive, and the safety of journalists—particularly women and those from marginalized groups—has deteriorated.

Key Issues and Recommendations

1. Restrictive Legal Environment:

- Nepal continues to rely on repressive laws such as the Electronic Transactions Act (ETA), and has proposed new laws — the Social Media Bill and Media Council Bill — that would expand government control over online and offline expression.
- Section 47 of the ETA criminalizes vague content “contrary to public morality,” and has been used to arrest and detain journalists.
- The recent amendments to the Press and Publication Regulation have emerged as instruments of control, imposing restrictive burdens that undermine independent and digital journalism.

- The controversial provisions of the Regulation should be amended to safeguard the rights of online media and ensure a safe working environment for journalists.
- These provisions are incompatible with Article 19 of the International Covenant on Civil and Political Rights (ICCPR)

Recommendation 1: Repeal Section 47 of the ETA and revise all media-related laws to comply with international standards, ensuring freedom of expression and due process, and amend the controversial provisions of the Press and Publication Regulation to safeguard the rights of online media.

2. Safety of Journalists

- Between 2023 and 2025, more than 70 journalists faced threats or attacks, including the killing of journalist Suresh Rajak. Impunity for perpetrators remains the norm.
- Women journalists experience intersecting and overlapping risks— gender-based violence, online abuse, and workplace discrimination — yet few mechanisms exist for protection or complaint.

Recommendation 2: Conduct independent investigations into all attacks against journalists, ensuring gender intersectional mechanisms and accountability for state and non-state actors, and strengthen and adequately resource the National Human Rights Commission’s journalist safety mechanism, in collaboration with civil society.

3. Digital Rights and Online Harassment

- Authorities continue to misuse the ETA to arrest individuals for online content and imposed bans on social media platforms, including Facebook, YouTube, and messaging apps for several days—and TikTok from November 2023 to August 2024.
- These actions reignited Gen Z frustrations over corruption and governance, culminating in the September 2025 youth-led protests. The post-protest environment has become even more complicated for independent media, caught between state crackdowns and growing public distrust.
- Online harassment—particularly of women journalists—remains rampant, forcing many into self-censorship.

Recommendation 3: Withdraw and revise the Social Media Bill, cease arbitrary platform bans, and adopt gender-responsive digital safety frameworks.

4. Labour Rights and Gender Equality in Newsrooms

- Journalists face precarious working conditions, with women journalists suffering wage discrimination and exclusion from leadership roles. Many leave the profession due to harassment and lack of maternity protection.

Recommendation 4: Ratify ILO Convention No. 87 on freedom of association to protect union activity in media workplaces, enforce the Working Journalists Act, and mandate equal pay, anti-harassment policies, and maternity benefits in media workplaces.

Step 5: Closing

- To conclude, Nepal has made important commitments under the UPR and its Constitution, but implementation remains weak. The fourth cycle presents a crucial opportunity for gender-responsive legal reform, protection of journalists, and respect for online freedoms.
- We urge Member States to make SMART, actionable recommendations that ensure media freedom and journalist safety for all, particularly women and those facing intersecting forms of discrimination.

Thank you.