

Call for Government of Nepal to revise punitive new media and social media bills

5 March 2025

The alarming provisions in the proposed “Bill related to Operation, Use and Regulation of Social Media Nepal” ([Social Media Bill](#)) and the recently passed [Media Council Bill](#) in Nepal threaten to severely restrict the rights to freedom of expression, access to information, and privacy. Both bills must be immediately revised in consultation with civil society and other stakeholders to bring them in line with national and international human rights standards.

The registration of the Social Media Bill and passing of the Media Council Bill by parliament within weeks of each other raises serious concerns about the government’s move to exert control over freedom of expression and access to information by imposing excessive regulations on social media platforms and the media. For example, the Social Media Bill’s mandated [registration](#) and increased barriers to operations, as well as ordering a ban on companies that fail to comply, prevents users from engaging online thereby restricting the plurality and diversity of voices. These provisions have also been [interpreted](#) as an attempt to compel companies to share users’ personal data, putting privacy rights at risk. These concerns are heightened by an objective in the bill to [establish](#) a government body to oversee and manage autonomous institutions, such as the Nepal Telecom Authority, mimicking what the Media Council Bill has sought to do.

The new Media Council Bill [replaces](#) the existing Press Council responsible for upholding the standards of free press with the Media Council, a new regulatory body to monitor conduct, advise on policy, and ensure compliance with ethics in Nepal’s media. This could threaten journalistic freedom as a provision in the bill for a government-appointed chairperson to lead the council has exacerbated concerns about government influence over independent media. Given the Social Media Bill could also [restrict](#) channels used by the press to express and share information in a quick and accessible way, this will have broader consequences for media freedom writ large.

Additionally, the Media Council Bill [aims](#) to make “digital, online and print journalism more decent, accountable and credible”, sparking [worries](#) that independent media could be curtailed and journalists put at risk of being targeted through vague and subjective terms. Similarly, there are [concerns](#) around the Social Media Bill regarding lack of clarity in defining social media; overbroad definitions of terms, such as “cyberbullying”; and ambiguous language, such as “sovereignty” and “national security”. The bill could lead to broad and subjective interpretations of the law that excessively criminalises sharing or reposting content if it is deemed to be offensive. Harsh penalties include jail terms of up to five years and fines up to 1.5 million Nepalese rupees (approx. US \$10,500). A healthy democracy requires the freedom to express dissent and by targeting critical voices, both bills risk instilling a culture of fear and self-censorship among users – with grave implications for civic space and media freedom in the country.

Provisions in the Social Media Bill that have reportedly [drawn on restrictive digital laws](#) from neighbouring countries, such as Bangladesh and India, reflects the larger, burgeoning trend among States to develop overbroad and harsh legislation targeting freedom of expression – often without open and public consultation. The [lack](#) of public consultation with stakeholders on the Social Media Bill, including civil society and press federations, raises alarms that it could be used to target activists, journalists, critics, and others exercising their rights to free expression online and violating their rights to privacy. In contrast, [stakeholder interactions](#) held on the Media Council Bill were critical to repealing [harsher provisions](#) such as mandatory licensing and licensing examinations



for journalists, and penalties of up to one million Nepalese rupees (approx. US \$7,000) in fines and up to 15 years' imprisonment for publishing offensive content or content considered to be undermining the sovereignty, territorial integrity, and nationality of Nepal. While improvements to the Media Council Bill are still needed, there is clear value to including civil society and other stakeholders. Without a broad and transparent consultative process with diverse stakeholders, including those from vulnerable and marginalised groups, the bill could become yet another tool that contributes to an already challenging global environment for freedom of expression, media freedom and civic space.

The above-mentioned provisions of both bills contravene obligations in the Constitution of Nepal, which guarantee freedom of opinion and expression under Article 17(2)(a); the right to communication, including the freedom of various means of communication and prohibition of censorship on published, broadcasted, and disseminated materials under Article 19; the right to information, and to not be compelled to provide confidential information, under Article 27; and the right to privacy of a person, including their data, under Article 28. It would also violate Nepal's international obligations to uphold Article 17 on the right to privacy and Article 19 on freedom of opinion and expression of the [International Covenant on Civil and Political Rights](#). During its [third Universal Periodic Review \(A/HRC/47/10\)](#) in 2021, Nepal accepted [recommendations \(A/HRC/47/10/Add.1\)](#) to revise local legislation on media and information technology (159.73) and to uphold respect for freedom of expression and the right to privacy, including in draft legislation regulating information technology, media and mass communications (159.104). In revising the bills, it is critical the government of Nepal adheres to their obligations and implements the recommendations to ensure a healthy democracy that protects and promotes the rights to free expression, information, and privacy, among other fundamental human rights.

Thus, we urge the Government of Nepal and Parliament to:

1. Withdraw and revise the “Bill related to Operation, Use and Regulation of Social Media Nepal” in line with human rights standards, and conduct a meaningful, participatory, and transparent consultative process with civil society and other relevant stakeholders, including those from vulnerable and marginalised groups;
2. Amend the Media Council Bill to ensure it has a balanced structure by including a Chairperson with a judicial background, experts and representatives from the media sector, and representatives from media consumers as members;
3. Ensure provisions in the Social Media Bill are necessary and proportionate by establishing reasonable regulations for social media platforms that protect citizens while safeguarding the rights to freedom of expression and privacy;
4. Refrain from developing and implementing legislation that empowers government with overreaching powers, including through overbroad and vague provisions that could be misused and abused to target activists, journalists, critics and other perceived opponents for exercising their rights to free expression and information online and offline; and
5. Uphold Nepal's international human rights obligations to protect and promote the rights to privacy under Article 17 and freedom of expression and information under Article 19 of the International Covenant on Civil and Political Rights.

Signed,

Afghanistan Journalists Center (AFJC)
Africa Freedom of Information Centre (AFIC)

Association for Media Development In South Sudan (AMDISS)
Association of Caribbean Media Workers
Belarusian Association of Journalists
Cairo Institute for Human Rights Studies (CIHRS)
Cartoonists Rights Network International
Center for Media Freedom and Responsibility (CMFR)
Centre for Media and Society (CEMESO)
Committee to Protect Journalists (CPJ)
Freedom of Expression Institute (FXI)
Freedom Forum
Globe International Center
IFoX / Initiative for Freedom of Expression- Turkey
Index on Censorship
International Press Centre (IPC)
International Press Institute (IPI)
Mediacentar Sarajevo
Media Foundation for West Africa (MFWA)
Media Institute of Southern Africa (MISA)
Media Watch
Mizzima
OpenMedia
Pakistan Press Foundation
Palestinian Center For Development & Media Freedoms (MADA)
Reporters Without Borders (RSF)
South East European Network for Professionalization of Media (SEENPM)
South East Europe Media Organisation (SEEMO)

