

Press Release

“Ban on Tiktok is a violation of the freedom granted by the Nepal’s Constitution”

Kathmandu

November 13, 2023

We express deep concern and disappointment over the decision of the Government of Nepal, Council of Ministers on November 13, 2023, to ban popular social networking app TikTok. It is our conclusion that this decision of the Council of Ministers is extremely untimely and arbitrary, and that it seriously attacks the basic principles of democracy, weakens civil liberties, and undermines the rule of law.

The constitutional guarantee of freedom of expression is a cornerstone of any democratic society, reflecting the fundamental right of individuals to freely express their opinions and access information. Social media platforms like TikTok need to be recognized for their role in providing a platform for citizens to voice their opinions, engage in public discourse, foster creativity, promote small and medium enterprises and businesses, and provide entertainment. Such digital platforms have been established as the best means of democratic discourse in recent days.

The problem caused by any contentious content in any social network can be addressed by the laws and regulations made under the constitution and constitutional system and should be handled accordingly. We believe that the decision to ban the platform in this way is unconstitutional and contrary to the mandate obtained from citizens through elections. This decision is in violation of the constitutional guarantee of freedom of expression as mentioned in Article 17 (2)(a) of the Constitution of Nepal and Article 19 of the Universal Declaration of Human Rights, 1948, and Article 19 of the International Covenant on Civil and Political Rights, 1966, to which Nepal is a party.

By banning TikTok blanketly, the government's intention appears to be to block a platform of communication and expression, limiting the opportunities of Nepalese citizens to engage in online conversations, share their views, and participate in the global digital community. Moreover, such a ban appears to adversely affect the economic opportunities of content creators and small and medium enterprises, posing a serious risk to their business stability.

We, the following organizations and individuals, urge the government to reconsider this decision and find alternative measures to address legitimate concerns without violating the constitutionally protected right to freedom of expression. If there is any illegal content on the TikTok platform that is contrary to prevailing laws, we call on all concerned to seek remedies

under the legal system and to ensure the responsible use of the platform under international standards while protecting the democratic values enshrined by the constitution.

Recognizing the transformative potential of digital platforms to promote freedom of expression, access to information, social communication, creativity, and cultural exchange, protection of the public interest and respect for individual freedoms are essential. Keeping in mind the constitutional rights and the wide impact of the vibrant digital landscape in Nepal, we urge the Government of Nepal to correct this decision.

Organizations and Individuals

Babu Ram Aryal	Digital Freedom Coalition	Chairman
Santosh Sigdel	Digital Rights Nepal	Executive Director
Ujjwal Acharya	Center for Media Research - Nepal	Former Chairperson
Dr. Kundan Aryal	Informal Sector Service Center (INSEC)	Chairman
Indra Prasad Aryal	Human Rights Organization Nepal	Chairman
Sanjeeb Ghimire	Freedom Forum Nepal	General Secretary
Sapana Shahi	Internet Governance Institute	Director
Laxman Dutt Pant	Media Action Nepal	Chairman
Pravesh Subedi	Digital Media Foundation	Chairman
Rajan Parajuli	Antenna Foundation Nepal	Chairman
Kamala Adhikari	Forum for Digital Equality	Executive Director
Ashirwad Tripathi	Educating Nepal	Chairman
Anand Gautam	Youth IGF Nepal	Chairman
Narayan Adhikari	Accountability Lab	Chairman
Babita Basnet	Media Advocacy Group	Founding Chairman
Bikram Shrestha	Nepal Internet Foundation	Chairman
Prof. Dr. Suvarna Shakya	Center for Cyber Security Research and Innovation (CSRI)	Chairman
Chiranjeevi Adhikari	Information Security Response Team Nepal (NPSERT)	Chairman
Nirajan Thaplia	Amnesty Nepal	Executive Director
Subha Kayastha	Body and Data	Executive Director
Dr. Bhumiraj Chapagai	Sharecast Initiatives	Co-Founder/Director
Navraj Dhakal	Net for Good Alliance	coordinator
Shyam Kumar Pokharel	Samrakshan Nepal	Director
Anil Raghuvanshi	Child SafeNet	Founding Chairman
Jeevan Bhandari	Online TV Journalists Association	Chairman

Umesh Shrestha	Mysansar.Com	Founder
Bishwajit Tiwari	Information and Human Rights Research Center	Founding Chairman
Rabiraj Baral	Media Kurakani	Founder and Editor
Deepak Adhikari	Nepal Check	Co-Founder
Alok Subedi	MeroAddada	Co-Founder/CEO

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