

## DISABILITY FRIENDLY MEDIA CODE-2073 (2017)

*Approved by the Board of Press Council of Nepal on 13<sup>th</sup> February 2017, and also signed by the Press Council of Nepal, Nepal Journalist Federation and 3 Representatives of the Steering Committee (National Federation of the Disabled Nepal, Nepal Disabled Human Right Centre and Nepal Disabled Women Association).*

Realising the fact that media has an important role to play to eliminate barriers created as a result of the interaction between the long terms physical, mental, intellectual or sensory impairments and the environment to have full and effective participation in the society, and to ensure equal rights and dignity of persons with disabilities by ensuring economic, social, political, cultural and legal rights;

Accepting the fact that ensuring each individual's dignity and rights to equality as mentioned in the United Nation's Charter are the foundations for universal freedom, justice and peace;

Adopting the reality that Universal Declaration of Human Right has guaranteed rights to each individual without any discrimination;

Internalising the fact that United National on the Rights of Persons with Disabilities (2006) has ensured the protection of rights and dignity of persons with disabilities;

With mission that the media in its process should not use words, sentences, pictures, visuals or language that may pose threat in the dignity of persons with disabilities or such process should not give any hint towards the dignity,

Requiring that the media and press, when fulfilling their own roles, should be further responsible, sensitive and accountable towards persons with disabilities;

Press Council of Nepal, pursuant to section (12) of Journalist Code 2073 (2016) and with the consent inclusive of Nepal Journalist Federation and National Federation of the Disabled Nepal, has issued this 'Disability Friendly Media Directive - 2073 (2017).

### INITIATION:

#### 1. Name, Initiation and Scope

1. The name of this Directive shall be Disability Friendly Media Directive 2073 (2017).
2. This Directive shall come into force immediately upon approval from the Press Council of Nepal on BS 2073/11/02 (13<sup>th</sup> Feb. 2017).
3. This Directive shall be applicable to the all the media operating in Nepal and to the all journalists who are involved in journalism upon being in Nepal.

#### 2. Definition: Unless the subject or context otherwise provides, in these Directive;

1. **'Council'** means Press Council Nepal.
2. **'Code of Conduct'** means Journalist code of Conduct 2073 (2016).
3. **'Directive'** means Disability Friendly Media Directive 2073 (2017).
4. **'News dissemination'** means the items and materials distributed, published and broadcasted through to all media including picture, audio, visuals, prints, sketch, shooting and advertisement.
5. **'Media'** means organisation, association, agency, company, service provider and services that disseminate news, information, advertisement and articles or produce, distribute and broadcast program through

Newspaper, Radio, Television, Electronic media, News Agency and Internet.

6. **'Journalist'** means any person or position, status and relations attached to news item collection, production, dissemination and broadcasting affiliated with any media.
7. **'Disability'** means person with disability caused by different reasons.

### DUTIES OF JOURNALIST AND MEDIA

#### 3. Journalist and Media should adopt following duties while disseminating news related to disability:

**1. Respect to the person's dignity:** Media should not disseminate, publish or broadcast any news or materials that question the dignity of any person with disability on the grounds of disability or humiliate or further victimise or put question in the dignity of persons with disability.

**2. Listening to the person with disability and ensuring freedom for opinion:** While talking or interviewing person with disability in the process of preparing news, articles or other materials, the Journalist has to ensure freedom for opinion without interruption by respecting the dignity of person with disability. Journalist has to give special attention by adopting disability specific communication process to understand the opinion of person with disability and to express query, and not to twist the statements/opinions expressed in the interview.

**3. Attention while using adjectives:** while mentioning name or context of person with disability, proper name or professional or social introduction of person with disability has to be presented by avoiding inappropriate and uncontextual word or adjective that present disability negatively.

**4. Protection against insensitive presentation:** The dignity of person with disability should not be threatened by characterising disability as a symbol, image, comedy of bad or abnormal matters, persons with disabilities should not be presented as a subject of pity. In particular, the Cartoonist and Editors must be aware to end the traditional way of presenting disability as a symbol of 'incapacitated' or 'inability' by press journalism

**5. To be aware of additional harmfulness:** News materials while presenting person with disability as a direct witness to particular event, special attention has to be paid on not to humiliate person with disability or to hurt them further.

### JOURNALIST AND MEDIA SHOULD NOT DO:

#### 4. Journalist and media should not do the following while disseminating news related to disability:

**1. Should not hurt the respect and dignity of person with disability:** Media and journalist, both directly or indirectly or symbolically should not use the traditional word, glossary, inappropriate simile and proverbs that hurt the dignity of person with disability.

**2. Prohibition in the use of word and glossary that hurt the dignity of person with disability:** Media and Journalist should not use the following word, glossary or other similar matters that are against the dignity of person with disability and present disability in a insulting manner:

Prohibited word and glossary	Appropriate word, glossary to be used
Disabled	Disability
Abled, <i>sabalanga</i>	Other person
Disabled Person, Person with Special Capacity, Person with different capacity, Bikalanga, Differently Abled Person	Person with Disability
Dumb, Numbness, <i>Lato Lati</i> , Mute	Deaf Person, Person with Hearing disability or Person with Hard of Hearing
<i>Andholato or Latoandho Kano, Andho</i>	Person with Deafblind
<i>Cerebral Palsy</i>	Person with Blind or Partially Sighted
<i>Cerebral Palsy</i>	Person with Cerebral Palsy
Disabled, <i>Khorando, Dudo, Dhikichayau</i> , Physically Disabled, Physically Challenged Persons, Crippled	Person with Physical Disability, Person with Polio Myelitis
Autism or Autistic	Person with Autism
<i>Gojengro, Lathebro</i> , Slow Mind	Person with Intellectual Disability
<i>Dudo, Dundi</i>	Person with Amputee, Person with Physical disability or person without hand or leg
Hemophilic	Person with Hemophilia
Down Syndrome or Victimised from Down Syndrome	Person with Down Syndrome
Mad, half-mad, Pshycho	Person with Psychosocial Disability
Leprosy Patient	Leprosy Affected Person
General School	Mainstream School or Other school
Mute	Person with speech related disability
<i>Bakho</i>	Person with Stutters Disability
Dwarf	Little People
Difficult persons in thinking and behaviour	Persons with disability related to thinking and behaviour
Special Schools	Special Education providing school
Inclusive Schools	Inclusive Education providing school

### 3. Should avoid the use of simile that hurt the respect and dignity of person with disability:

In the context where Journalist and media when presenting subject matters such as incapacitated, inability or weak try to compare or make connections with the situation of disability, such traditional opinion has been out-dated in the current context. Therefore should avoid using following simile or similar inappropriate similes:

- 1) What's like a dumb
- 2) What's like a deaf
- 3) What's like a blind
- 4) Crippled government
- 5) Blind love and fanatic
- 6) Don't you understand that, what a dumb
- 7) Can't we do this? Are we dumb or blind or mad?
- 8) Dumb government
- 9) Lame government
- 10) Do you know, s/he is Pshycho?
- 11) What a mad person, always speaking
- 12) Talking too much, what a mad person
- 13) Don't you understand this, what a dumb
- 14) They are making us disabled
- 15) Don't you think this is like a disabled? What a disabled tea?
- 16) What you talking like a disabled one?

4. Journalist and media should not use following proverbs or similar proverbs that are declared to be inappropriate in today's context towards the dignity of person with disability or disability situation:

1. Shut your eyes in the country of blind, lamp in the country of lames.
2. Person is blind however the name is given as eye happiness.
3. There is nothing as full moon or black moon to the blind ox.
4. What the blind searching is, the eye.
5. Whoever is a dwarf, every makes him/her targeted.
6. Talking too much than the capacity, lamping legs in the actual walk
7. Hearing ones cannot be right in front of the seeing ones
8. Mouth will be bent if you talk too much
9. Better to have blind maternal uncle instead of not having.
10. Providing flower decorated room to the mad dog
11. Legs of deaf on the road
12. Mumps becoming youth in the country of dumb
13. Dumb falls one times, clever galls 3 times
14. It is ever green to a ox whose eyes are broken in August (greenery season)
15. Wife of dwarf, Sister In-law of the all.

5. Information related to the Rights of person with disability: Journalist and media should not disseminate any article, news or audio-visual without being aware of existing rights of person with disability or not behaving with person with disability equally to that of other person or without ensuring that such materials of inclusive from the disability perspective.

## MISCELLANEOUS

5. **Complain and Punishment:** This shall be as provisioned in the Journalist Code 2073 (2016).

### (JOURNALIST CODE 2073 (2016))

#### COMPLAINT AND ACTION PART

6. **Provision for Complain and Punishment (1)** Any Journalist or Media if violets this code of conduct, the process for complain and action shall be as follows:

(a) If any news disseminated-broadcasted by the media found to be unfactual, imbalanced and false, the person, community or organisation being affected by such news may send their reaction or denial/refusal to the relevant media. Such reaction or denial/refusal must be concise, factual, polite and respectful.

(b) It shall be the duty of concerned media to publish-broadcast the reaction or denial/refusal received as per sub-section (a) above sooner it is possible with appropriate priority.

(c) If relevant media do not publish or broadcast the reaction or denial/refusal as per sub-section (b) or do not provide satisfactory answer, the aggrieved party can make complain to the Press Council Nepal. In case of failure to file such complaint within the given time period of 35 days, the Press Council may also accept such complaint even after the deadline provided that there is a reasonable cause.

(2) The complaint as per sub-section (2) (c) should have following documents and evidences:

(a) A copy of the published or broadcasted material however if the Complainer could not submit such evidence or document with reasonable cause, the Press Council may carry out hearing process upon bringing the records from the relevant media.

(b) Description on the breach of Code of Conduct and negative implication caused by the publication or broadcasting of the material.

(c) Copy of reaction or denial/refusal submitted to the concerned media

(d) If provided, description of the reply from the concerned media on the reaction or denial/refusal

(e) Other relevant documents/materials

(3) Notwithstanding anything contained in sub-section (1) (a) (b), if the aggrieved party or stakeholder make complaint in the Press Council stating that there is irreparable damage due to not publishing the reaction or denial/refusal by the relevant media, the Council may ask relevant media to publish-broadcast such reaction or denial/refusal.

(4) It will be the duty of relevant media to publish-broadcast reaction or denial/refusal received as per the sub-section (3) above. If the relevant media cannot publish-broadcast the reaction-denial/refusal, the media has to inform council in writing within 7 days with clarifications of not doing so. If the clarification submitted by the media is not satisfactory, the Council may order to the relevant media to publish-broadcast the reaction or denial/refusal.

(5) If the relevant media do not publish-broadcast reaction or denial/refusal or do not provide satisfactory answer, the Council may take action as per this code.

(6) Whatever written in the other parts of Section (6), before sending information/deadline to the accused party concerning the complaints, the Council may give required direction to the relevant journalist or media to immediately correct or react/deny or apologies or to send reasonable cause by carrying out initial investigation.

(7) If any complainant files complain against any media showing evidence that the materials was knowingly published or broadcasted to severely damage his/her social prestige and publication-broadcasting reaction or denial/refusal is not sufficient, and such complaint is found to be factual and true, the council may take action to the media as per this code of conduct.

(8) Notwithstanding anything contained in sub-section (1) (c), if complaints are received in the Council citing the breach of this code on the public interest or if found to be violating this code through the Councils regular monitoring, the council may take necessary action.

(9) Decisions towards the complaints as per sub-section (1c) and actions as per sub-section (5), (7) and (9) shall be taken within 30 days after collecting required factual evidences.

(10) Before reaching to the decision as per sub-section (9), the Council may carry out tasks as finding out the factual evidences, asking relevant party to submit required documents and evidences, or carry out supervision, carry out investigation or make happen to it and finding out facts and evidences by asking relevant party to be physically present in the Council.

#### **(7) Action and Decision**

(1) If the section (4) of this code of conduct is violated or the Councils decision or direction is not followed, the Council, based on the severity of the violation, may decide to take one or more of following actions to the journalist or media:

(a) Give direction to apologies

(b) Direct the relevant agency to suspend the Press Representation Certificate or Press Entry Card

(C) Take out the name from the categorization process

(d) Deny to get facilities from the Welfare Fund of the Council

or the Councils other facilities for a definite time period

(e) Give recommendation to the relevant agency not to provide whatever types of advertisement and facilities from whoever government agencies for a definite time period

(f) Make recommendations to relevant government agency for not to involve in the state visits representing the state

(g) Make recommendation to the Nepal Journalist Federation and the Government of Nepal for additional action in the case if the bread of the Code of Conduct is severe.

(h) The Council shall express its regret over the journalist and media failing to carry out any decision of the Council, publish the names of journalist and media in the disobedient list, and make public the names of such journalist or media immediately or as required.

(2) The Council may arrange re-conciliation between the relevant parties as required.

(8) May recommend for action/punishment: If any government or non-government agency or portfolio holders or whoever person violates the press freedom or Constitutionally guaranteed rights, and such violation is complaint in the Press Council or observed through the Councils regular monitoring, the Council may recommend to the relevant agency for appropriate action/punishment. The relevant person or party shall have opportunity to clarify before making such recommendation.

**6. Direction and Suggestion:** (1) For the implementation of this Directive or make happen to it, it will be the duty of Journalist and media to implement different directions and suggestions issued by the Press Council of Nepal on time to time.

(2) Direction and suggestion provided as per sub-section (a) shall be considered as an integral part of this Directive.

**7. May formulate Working Procedure:** (1) Working procedure prepared under the Journalist Code 2073 (2016) shall be applicable to implement this Directive.

(2) In addition to the Working Procedure as per sub-section (1), separate or special working procedure may be prepared if Press Council of Nepal feels the requirement of such Special Working procedure.

**8. Internal Directive:** (1) each media implementing this Directive should prepare and implement Internal Directive relating to Disability news dissemination.

(2) Once the Directive is prepared as per sub-section (1) above, the Press Council of Nepal has to be informed.

(3) Press Council of Nepal may ask information or carry out monitoring visits to see if the Internal Directive prepared as per sub-section (2) has been implemented.

**9. Saving:** Matters written in this Directive shall be carried out as per this Directive, and matters not mentioned in this Directive shall be carried out as per the Journalist Code 2073 (2016).

**10. Right to explain:** Press Council of Nepal reserves rights to make explanations on the content of this Directive or in the cases of arising any disputes in the matter.