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Freedom on the Net 2020 - Bangladesh

PARTLY FREE
42
/ 100

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LAST YEAR'S SCORE & STATUS
44 / 100 Partly Free
Scores are based on a scale of 0 (least free) to 100 (most free)

Overview

Constraints on internet freedom in Bangladesh tightened during the coverage period. Amid the COVID-19 pandemic, the government ramped up its efforts to restrict the online space and suppress those criticizing the government's response. Authorities blocked critical websites, enhanced targeted violence, and arrested journalists and users alike. New investigative reporting also shed light on the government's capacity to manipulate content and deploy technical attacks.

The ruling Awami League (AL) party has consolidated political power through sustained harassment of the opposition and those perceived to be allied with it, as well as of critical media and voices in civil society. Corruption is a serious problem, and anticorruption efforts have been weakened by politicized enforcement. Due process guarantees are poorly upheld and security forces carry out a range of human rights abuses with near impunity.

Key Developments, June 1, 2019 - May 31, 2020

- From September 2019 until the end of August 2020, authorities restricted third-generation (3G) and fourth-generation (4G) mobile service in refugee camps where Rohingya live, and again ordered mobile service providers to stop selling SIM cards to the Rohingya community (see A2 and A3).

- During the COVID-19 pandemic, there was an increase in arrests under the repressive Digital Security Act (DSA). The government also ordered the blocking of 50 websites for allegedly spreading misinformation, including the English and Bengali versions of BenarNews after the outlet reported on a leaked interagency United Nations memo estimating the pandemic's severe impact in the country (see B1).

- The investigative news outlet Netra News cited reports from whistleblowers alleging that military intelligence hires civilians to manipulate information on Facebook and maintains a unit of hackers to gain access to the Facebook profiles and pages of activists, opposition figures, and dissidents (see B5 and C8).

- The government announced in December 2019 that it had received over 3,000 registration applications after mandating that news outlets register with the Ministry of Information in May 2019 (see B6).

- The High Court asked the government to justify the constitutionality of sections 25 and 31 of the DSA, after a group of professors, journalists, and lawyers petitioned the law be rescinded for being too broad and infringing on free expression (see C2).

- The coverage period saw several cases of physical violence connected to people's online activity: Abrar Fahad, a student of the Bangladesh University of Engineering and Technology, was tortured and murdered in October 2019. Journalist Shafiqul Islam Kajol was abducted in March 2020 and reappeared nearly two months later (see C7).

A Obstacles to Access

The number of internet users in Bangladesh is steadily increasing. More than 90 percent of users can access the internet via mobile service providers, which began offering faster 4G service in 2018. Users continue to complain about the high cost of private internet service. Restrictions on connectivity continued during the coverage period, notably affecting the Rohingya refugee community.

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?   **3 / 6**

Information and communications technology (ICT) usage is rapidly increasing in Bangladesh, although it lags behind many other countries around the world. According to recent publicly available data from the International Telecommunication Union (ITU), internet penetration in Bangladesh was 15 percent at the end of 2017.[1] Government estimates of internet penetration were significantly higher in March 2020, at 61 percent.[2] In 2020, the Bangladesh Telecommunications Regulatory Commission (BTRC) reported that over 95 million people could access the internet via mobile service providers, which began offering faster 4G service in February 2018.[3] The BTRC reported that 21.5 million people used 4G as of September 2019.[4] The remainder obtain service through a traditional internet service provider (ISP) (around 6 percent) or one of the three wireless WiMax operators (0.005 percent).[5]

Government programs have sought to develop and expand ICT networks. Since 2010, the National E-Government Network Project aims to provide networks to thousands of government offices and buildings, as well as schools across the country.[6] By 2017, 18,415 government offices in 420 Upazillas (sub-districts), all 7 administrative divisions of the country, and 57 district offices were connected by one fiber-optic network. Across the country, 803 video conferencing systems had also been set up. In 2020, project workers were connecting thousands of union offices (the lowest tier of local government unit), Upazilla Parishads (the sub-districts' councils), and police stations with fiber-optic broadband connectivity. This will allow these institutions and internet providers to bring high speed broadband internet to over 68,000 villages and millions of subscribers. Over 85 percent of the work on the project has been completed.[7]

The Economist Intelligence Unit's Inclusive Internet Index 2020 report ranks Bangladesh 72 out of 100 countries in terms of availability of internet access, determined by the "quality and breadth of available infrastructure."[8]

According to SpeedTest Global Index, Bangladesh ranks 130 in the mobile broadband speed index as of January 2020 and ranks 103 in the fixed broadband speed index.[9] In another report on internet speeds, Opensignal ranked Bangladesh as the 10th lowest out of 87 countries in average mobile download speeds in May 2019.[10]

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?   **1 / 3**

During the coverage period, the cost for data packages decreased, although internet access remains expensive for many lower-income individuals. Gender disparity in internet access and limited connectivity in rural areas are pressing issues. The government also continued to prevent Rohingya refugees from purchasing SIM cards.

In June 2019, the government lowered the set price for data to a maximum and a minimum of 400 and 180 takas ($4.62 and $2.08), respectively, per Mbps.[11] The ITU Measuring the Information Society Report 2018 identified Bangladesh as being one of the top 20 countries with the lowest mobile prices, with mobile-cellular service under $3 per month.[12]

According to the Inclusive Internet Index 2020 report, Bangladesh ranks 65 out of 100 countries (up from 70 out of 100 in 2019) surveyed for affordability, defined by cost of access relative to income and the level of competition in the internet marketplace.[13]

Access to the internet varies depending on socioeconomic status and geography. The Mobile Gender Gap Report found that in 2019, Bangladesh had the second highest gender disparity in mobile phone ownership globally.[14] As of 2019, there was a 52 percent gap between the number of mobile internet users who are men and those who are women. The quality and speeds of the internet in rural areas remain a challenge.[15] Users complain about affordability and the lower quality of internet service in rural areas.

The government has taken some action to address the disparity in internet access among certain segments of society. For example, the government's Digital Bangladesh by 2021 program, established in 2009, seeks to integrate efforts to improve internet access with development programs in national priority areas, such as education, healthcare, and agriculture.[16] As of February 2020, more than 5,875 Union Digital Centers had been established, with the goal of providing low-cost internet access to government and non-government service portals and related e-services among low-income and other underserved communities, such as rural women and people with disabilities.[17]

In 2017, citing security concerns, the government banned telecommunications providers from selling mobile phone connections to Rohingya refugees, undermining access to the internet for hundreds of thousands of people who had fled to Bangladesh from neighboring Myanmar. The government also threatened providers with fines if they ignored the ban.[18] However, the ban was not widely enforced and many Rohingya maintained mobile phone access. In September 2019, however, the government again ordered mobile service providers to cease selling SIM cards to Rohingya refugees and said it would deactivate any of their existing SIM cards.[19]

In May 2015, Robi and Facebook launched Free Internet in Bangladesh which allowed users access to Facebook and over a dozen websites and apps free of charge.[20] In July 2020, after the coverage period, the BTRC ordered service providers to stop providing free service to social media platforms.[21]

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?   3 / 6

Authorities have restricted internet and communication services during tense political moments. While the government only tested an internet shutdown in early 2018, a number of restrictions in 2019 and 2020 show that connectivity disruptions are increasingly preferred as a policy tool.

In September 2019, authorities restricted 3G and 4G mobile service in Rohingya refugee camps, escalating an existing crackdown on connectivity for the vulnerable Rohingya refugee community (see A2).[22] The connectivity restrictions were reportedly lifted in August 2020, after the coverage period.[23]

On December 30, 2019, BTRC ordered mobile providers to restrict mobile networks for a reported 10 million people living within one kilometer of the 4,000-kilometer India-Bangladesh border.[24] Authorities cited security concerns on the grounds that the Indian government's controversial Citizenship Amendment Act could prompt people to flee to Bangladesh.[25] The decision was revoked within a couple of days.[26]

During the previous coverage period, the BTRC throttled mobile service around the time of the general elections in December 2018, which were marred by violence. Both 3G and 4G service was unavailable several times in the run-up to the election, and again on election day.[27] In August 2018, amid popular, student-run protests for safer roads and other reforms—protests that also led to police violence—the BTRC ordered ISPs to restrict 3G and 4G services for 24 hours, only allowing second-generation (2G) mobile service (see B8).[28]

In early 2018, the BTRC announced plans to suspend internet service nationwide during designated time periods in February, in order to prevent questions from the national secondary school exams from leaking online.[29] On February 11, 2018, the BTRC conducted a test run, in which internet service was shut down for 30 minutes. The following morning, internet service across the country was suspended as part of the official policy. However, the decision was reversed after just 10 minutes due to widespread public backlash. The BTRC restored internet service 20 minutes thereafter.[30]

The government occasionally restricts access to social media and communications platforms. Most recently, in November 2018 before the national elections, the BTRC briefly blocked Skype to thwart communication between exiled leaders of the opposition party and their activists on the ground.[31]

The government manages the fiber-optic infrastructure connecting Bangladesh with international undersea cables. However, the majority of the gateways and internet exchange points (IXPs) are privately owned and managed.

Bangladesh's physical internet infrastructure had been historically vulnerable, relying on the undersea cable SEA-ME-WE-4, which connects Southeast Asia, the Middle East, and Western Europe.[32] Since late 2012, however, Bangladesh is also connected via an international terrestrial cable managed by private companies, reducing the risk of service being completely lost in the event of problems with the undersea cable.[33]

Bangladesh joined SEA-ME-WE-5 in September 2017, and currently provides an additional 1,300 Gbps of bandwidth to the capacity of the SEA-ME-WE-4 (900 Gbps).[34] Bangladesh is set to join the SEA-ME-WE-6 submarine cable in 2023, which will cost $72 million.

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?   5 / 6

There are no serious legal, regulatory, or economic obstacles that restrict the diversity of service providers.

Users only have four options for mobile connections. At the end of March 2020, the company Grameen Phone, owned by Telenor, had the largest market share at 46 percent, followed by Robi with 30 percent, and Banglalink with 21 percent.[35] The state-owned Teletalk holds the remaining 3 percent of the market.

As of November 2019, one list from the BTRC suggested that there were 120 internet service providers (ISPs) operating nationwide, with no clear market leaders.[36] However, reports from February 2020 citing BTRC data suggest there are 1,478 ISP businesses in the country, with 146 entities providing nationwide services.[37] The BTRC reportedly cancelled licenses of 48 ISPs in July 2019 and an additional 30 licenses in February 2020 for companies which did not renew their license after expiration.[38]

A BTRC audit and the associated Supreme Court case during the coverage period forced two major providers to pay expensive dues, which could create economic barriers to continue operating. In April 2019, BTRC issued a letter to Grameen Phone demanding 8.49 trillion takas ($1 billion) in dues, and another 4.09 trillion takas ($481 million) in taxes and late fees that accumulated from 1997 to 2011.[39] The BTRC also demanded 867.23 billion takas ($102 million) from Robi for the same reasons. Grameen Phone questioned BTRC's audit process, citing that the principal claim is only 18 percent, and refused to pay the demand that added additional fees such as interest.[40] The BTRC decreased Grameen Phone's bandwidth by 30 percent and Robi's by 15 percent in June 2019 for failing to pay the dues,[41] but this was reversed a few days later, due to the impact on customers.

In February 2020, the Supreme Court ordered Grameen Phone to pay 10 billion takas ($117 million) as part of the disputed claim.42 They paid the sum and the Court has demanded they pay more within the next few months.43 In January 2020, Robi had paid 27.6 billion takas ($3.25 million) as the first installment of its dues, as directed by the courts.44 The BTRC has threatened the two operators with license cancellation if they do not pay their dues.

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?   **1 / 4**

Officially, the BTRC is an independent regulatory body responsible for overseeing telecommunications and any related ICT issues. However, in practice the body lacks independence and represents the interests and priorities of the government.

The BTRC was established under the Bangladesh Telecommunications Act of 2001. The government amended the act in 2010, making the Ministry of Post and Telecommunications responsible for the regulation of the telecommunications sector, with the BTRC acting as an auxiliary organization.45 This move led to a number of administrative delays, including for the announcements of new tariffs and license renewals.46 In 2014, the Ministry of ICT merged with the Ministry of Posts and Telecommunications.47 In addition, the prime minister's office has an access to information program supported by the UN Development Program, which has considerable influence over top-level decision related to ICT policy.48

B Limits on Content

Authorities imposed significant restrictions on content during the reporting period, including blocks on websites during the COVID-19 pandemic. New reports suggested that military intelligence has contracted civilians to manipulate information online. Meanwhile, the government announced that it received over 3,000 registration applications after mandating that news outlets must be registered with the Ministry of Information in May 2019.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content? **3 / 6**

Score Change: The score improved from 2 to 3 due to an easing of website blocks following the 2018 general election, although the government continues to restrict access to sites carrying information critical of the government.

Authorities block websites and news outlets criticizing the government, especially amid tense political moments such as elections. Blocks on pornography and gambling sites continued during the coverage period, a policy which has previously also impacted blogging sites and social media apps.

In December 2019, Netra News, a Sweden-based investigative journalism portal publishing both in English and Bangla languages, was blocked for an article alleging corruption against Obaidul Quader, the country's minister of road transport and bridges and general secretary of the ruling Awami League. The article claimed he received luxury watches as gifts.49 According to the BTRC, the Directorate General of Forces Intelligence (the intelligence agency of the military) ordered the website be blocked, although the agency declined to confirm this.50 The site remained unavailable as of July 2020.

Authorities also blocked websites during and because of the COVID-19 pandemic. In March 2020, Netra News published a leaked interagency United Nations memo that claimed the pandemic could result in up to 2 million deaths in Bangladesh if immediate steps were not taken.51 Following the report, a mirror site of Netra News available in Bangladesh was blocked.52 In April 2020, the government reportedly ordered the BTRC to block 50 websites for spreading misinformation about COVID-19.53 The English and Bengali versions of BenarNews, an online affiliate of Radio Free Asia that republished the Netra News report about the UN memo, were confirmed to be among the 50 sites blocked.54 The Committee to Protect Journalists (CPJ) reported that from May 7, 2020 to the end of the coverage period, BenarNews remained largely inaccessible, although it appeared that some internet protocol (IP) addresses or mobile towers may have been able to access the site on May 7.55

In October 2019, the BTRC ordered the blocking of an online complaints page of the Bangladesh University of Engineering and Technology website, where students could file online complaints. Over 175 complaints were anonymously made by current and former students, many of which were about physical violence (sometimes fatal), intimidation, and abuse from senior students associated with the student wing of the Awami League.56

At the request of cyber security police following complaints by parents, the BTRC temporarily blocked the online multiplayer game PlayerUnknown's Battlegrounds (PUBG) in October 2019.57 The game is very popular among teens in Bangladesh.

The government ramped up its efforts to block pornography and gambling sites following a November 2018 High Court ruling (see B3). Since February 2019, the BTRC blocked more than 20,000 pornography and gambling websites.58 The largest Bengali blogging website, Somewhereinblog.net, with approximately 250,000 registered users, was also reportedly blocked, but was later available in October 2019.59 The social media apps TikTok and Bigo Live were briefly blocked for containing pornographic content.60

News outlets continued to be blocked temporarily. In April and May 2019, Bangla.report and Poriborton, two popular news sites, were blocked, and were available again as of May 2020.61 While no official explanations were provided for the blocks, some analysts suspect that they were targeted for publishing articles critical of the government. In March 2019, both Al Jazeera's English website and the local news and discussion site Joban were temporarily blocked. Joban had published reports accusing the country's top security adviser of using military intelligence officials to abduct three men involved in a business dispute with the official's wife.62 The government denied responsibility for the blocking.63

In December 2018, leading up to a general election, the BTRC blocked 58 news websites, and then later unblocked them. Subsequently, it again blocked 54 of the 58 sites for "national security" reasons and for publishing "fake news" ahead of the general elections.64 Some of the blocked websites supported opposition parties.65 Four sites that BTRC did not reblock were priyo.com, Poriborton, dhakatimes24.com, and risingbd.com.66

Social media and communication apps have occasionally been subject to blocking. Before the national elections, the BTRC briefly blocked Skype (see A3). Previously, Facebook reported "a disruption affecting access to Facebook products in Bangladesh" in 2016, which was possibly related to a network shutdown test.67 In 2015, Facebook, Facebook Messenger, WhatsApp, and Viber were among several platforms temporarily blocked.68 Similarly, the communications apps Threema and Wickr were blocked from May 2016 to mid-2018.

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content   2 /
hosts, or digital platforms to delete content?   4

Authorities employ legal, administrative, and other means to force publishers, content hosts, or digital platforms to delete legitimate content. Many cases are not publicly disclosed.

Authorities have threatened websites with legal action or blocking if critical content is not removed. The editor of the news outlet Bangla.report alleged that the minister of post and telecommunication threatened to take legal action if the website did not remove an article about an individual who wanted to meet with the minister at a business summit.69 After declining to remove the content, the website was temporarily blocked (see B1).

Users occasionally delete their own posts in fear of facing criminal charges. In December 2019, a video of famous Baul folk-singer Shariat Sarkar allegedly criticizing Muslim clerics during a concert was removed from YouTube. While it is unclear who removed the video, Bangladeshi police later arrested and charged Sarkar for allegedly violating the Digital Security Act (see C3).70

Progovernment actors also employ informal means of removing online content. Journalists critical of the government have had their Facebook accounts restricted. Some analysts suspect these restrictions were carried out as a result of progovernment actors misusing Facebook's mechanism to report content that violates the platform's community standards.71

The government periodically asks private companies to remove content. Facebook reported receiving one request from the Bangladeshi government between July and December 2019 to remove content, and 11 requests between January and June 2019.72 Google reported that Between July and December 2019, they received eight requests from the government to remove 92 pieces of content.73

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims,   1 /
or an independent appeals process?   4

The process for restricting internet content lacks transparency, and there is no independent appeals process in place for blocked websites or content removal orders. Further, the government's increasing restrictions on connectivity and social media platforms are disproportionate and lack transparency.

The BTRC censors content primarily by issuing informal orders to domestic service providers, which are legally bound by their license and operations agreements to cooperate. Service providers have described official censorship as ad hoc in nature, without follow-up mechanisms in place to ensure compliance.74 For example, no official notice or explanation was given to ISPs before or after they were compelled to block Poriborton and Bangla.report (see B1). No appeals have been documented in response to censorship directives.

Courts have also ordered restrictions on internet content. In November 2018, for example, the High Court requested that authorities block all pornography websites and obscene material for six months (see B1).75 The court also ordered the government to explain why all pornographic websites should be made illegal.

The BTRC has tried to ramp up its technical ability to block, filter, and remove content online, including on social media. In September 2019, the BTRC confirmed that the Department of Telecommunications (DoT) set up the Cyber Threat Detection and Response (CTDR) project under the National Telecommunication Monitoring Center of the DoT. The system is reportedly intended to monitor websites, apparently for keywords, to then enable police to request that the BTRC remove or block "derogatory" or "harmful" content. The 1.5 billion takas ($17.6 million) designated for the project enables the monitoring of 2,700 Gbps of data.76 CTDR is also reportedly installing deep packet inspection (DPI) to enable blocking of any online content, including Facebook pages or accounts, more quickly.77

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship? 1 / 4

Online journalists and social media commentators continue to report a climate of self-censorship on political and religious topics in Bangladesh. A series of fatal physical attacks on bloggers in recent years (see C7), coupled with an increase in criminal charges against online journalists and other internet users under the DSA and the ICT Act (see C3), have exacerbated online self-censorship. In a report published by Human Rights Watch in December 2018, one journalist published only 10 to 20 percent of potential news stories, while another reporter claimed to self-censor 50 percent of the time.78

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful 2 / actors to advance a particular political interest?   4

Score Change: The score declined from 3 to 2 because new reports allege that military intelligence has contracted civilians to manipulate information on Facebook daily, as well as government directives to limit employees speaking publicly about COVID-19.

Authorities do not officially pressure or coerce news outlets, journalists, or bloggers to follow a particular editorial direction in their reporting. However, disinformation that circulated on social media was linked to the government during the coverage period.

Whistleblower reports published by Swedish investigative news site Netra News in May 2020 alleged that a unit under the Directorate General of Forces Intelligence—the Public Relations Monitoring Cell (PRMC)—has contracted civilians to maintain thousands of fraudulent Facebook pages and accounts. They reportedly receive daily directions outlining which pages and accounts to target, most often journalists, dissidents, and opposition figures.79 The report had not been confirmed by other sources.

Government agencies reportedly issued directives barring its employees from speaking publicly in certain ways about the COVID-19 pandemic. In April 2020, the Department of Nursing and Midwifery banned all officials and employees of government hospitals from speaking to reporters or in public without prior permission.80 The administration of Bangabandhu Sheikh Mujib Medical University also issued a directive that prohibited medical staff from speaking to journalists or posting on social media about content that could "tarnish the image of the government and the institution."81 Similarly, the Ministry of Education temporarily suspended two government-employed college teachers for social media posts that officials claimed were "inconsistent" with how the government allegedly responded to the pandemic.82

Ahead of the elections in December 2018, Facebook reported removing coordinated inauthentic behavior that was linked to the government.83 The pages removed purported to be independent news outlets that actually disseminated anti-opposition and progovernment content. Also, in December 2018, Twitter removed a "very small" number of accounts, some of which were apparently connected to state-sponsored actors, that were engaged in "coordinated platform manipulation."84

During a campaign rally in September 2018, a senior government advisor encouraged political activists in the ruling party to be more active online by flooding social media with new accounts, using both real and fake names.85 The government has allegedly started new online and social media monitoring efforts to stop the spread of disinformation following the August 2018 student protests (see C5).86 Similarly, in January 2019, the newly appointed minister of information promised to crack down on "fake news."87

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to publish content 2 / online?   3

Regulatory constraints affect the ability of online outlets to publish. In 2015, the government initially called for mandatory registration requirements on news sites and daily newspapers that publish online, and authorities threatened to cancel the accreditation of journalists working for unregistered media outlets.88 The government justified registration as a tool to constrain the purported abuse of media to destabilize society.

In May 2019, Minister of Information Hasan Mahmud announced that the government would mandate the registration of online media outlets, noting to the need for "discipline" and guidelines for online media.89 In December 2019, the government announced that it received 3,595 applications for registration and would start reviewing them and granting approvals.90 The minister also stated that "steps would be taken" against outlets not registered.91 An initial list of 34 verified news outlets was released in July 2020.92 In August 2020, after the coverage period, the cabinet approved an amendment to the National Online Media Policy 2017, requiring that newspapers, television channels, and radio stations also register their online versions.93

Beginning in July 2019, global social media and commercial websites operating in Bangladesh without offices in the country were subjected to a 15 percent value-added tax on their digital services, including advertisement for foreign products.94 Amazon Web Services, Google, and Facebook have started the process to get VAT registration.95

B7 0-4 pts

Does the online information landscape lack diversity? 3 / 4

The online media landscape in Bangladesh is vibrant, with a number of online outlets that give voice to a range of views. Even with the increased level of censorship during the coverage period, people are able to access a variety of local and international news sources that convey independent, balanced views in the main languages spoken in the country. The ability to access localized information and create content in Bengali has contributed to the popularity of local blog hosting services.96 As 4G technology has become widespread, YouTube content in Bengali languages have become more popular.97 Some YouTubers in the field of food, music, entertainment, and news boast over a million subscribers online.

Online media outlets, social media platforms, blogs, and websites represent diverse interests within society. For example, LGBT+ people have turned to online platforms as a safe space to express their opinions and experiences in response to broad discrimination in the country. Since 2002, a network called Boys of Bangladesh has been active, and at present manages their official Facebook page,98 as well as another page called Bangladesh Against Homophobia with more than 12,000 subscribers.99 However, the overall environment in Bangladesh is hostile and dangerous for LGBT+ people: state discrimination is prevalent100 and there have been violent, sometimes fatal, attacks in recent years.101 Since 2017, Boys of Bangladesh has stopped updating its Twitter account, and many activists have gone into hiding.102103104

While Bangladesh's marginalized ethnic groups are inadequately represented in the mainstream media, the popularity of social media and news sites have brought new voices to the fore. However, the blocking of social media platforms and communications apps has at times threatened the diversity of online content (see B1), though many people use virtual private networks (VPNs) to bypass blocking.105

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues? 3 / 6

While social media platforms, communications apps, and other digital tools remain largely accessible to users who wish to mobilize and campaign, the government has previously restricted connectivity and blocked platforms during protests. Enhanced surveillance, arrests, and targeted violence also limit people's willingness to mobilize online.

Social media platforms, particularly Facebook, continue to play an important role for mobilization. Monorom Polok, the son of the abducted journalist Shafiqul Islam Kajol, started the #whereiskajol movement on social media, to mobilize citizens and raise voices demanding the return of his father.106 Shafiqul returned in May 2020 after 53 days and was then arrested and remained in detention as of August 2020 (see C3 and C7).107

In August 2018, authorities restricted 4G and 3G service in an effort to limit mass protests in Dhaka and other parts of the country calling for better road safety. The throttling reduced protesters' ability to live stream and share other video content related to reports of violence during the demonstrations.108

Protesters used Facebook to mobilize during the August 2018 protests, as well as during April 2018 demonstrations against a quota system used to fill certain public service positions. Both protesters and the government employed the platform to advocate for their positions. During the road safety protests, photos and videos were shared using the hashtags #WeWantJustice, #RoadSafetyMovement, and #bangladeshstudentprotests.109 In a troubling move, however, the Dhaka police invoked cybercrime laws to open investigations against demonstrators for allegedly spreading propaganda online.110 The government implemented a similar heavy-handed approach against political opponents during the run-up to the national elections in December 2018 (see C3 and C7).

C Violations of User Rights

Violations of user rights intensified during the coverage period, with more physical violence against online activists and journalists, as well as a surge of arrests during the COVID-19 pandemic. Within this more repressive environment, new reports allege that military intelligence has contracted a unit of hackers to gain access to the Facebook profiles and pages of activists, opposition figures, and dissidents.

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence? 2 / 6

While online expression is recognized in the constitution, it remains largely unprotected in practice. Article 39 (1, 2) in Chapter 2 of the constitution recognizes the freedoms of thought, conscience, and speech as fundamental rights,111 and online expression has historically been considered within the scope of this provision. However, other laws undermine these rights and internet users frequently face criminal penalties for free expression protected under international human rights standards.

The 2006 ICT Act defines and ostensibly protects freedom of expression online,112 though it also includes an array of penalties for citizens who violate others' rights to communicate electronically (see C2). The DSA, which was passed by the parliament in September 2018, is ostensibly meant to prevent cybercrime and replace parts of 2006 ICT Act. However, it contains provisions that can infringe on free expression online (see C2).

Sections 68 and 82 of the ICT Act, which were not annulled by the DSA, contain provisions for a Cyber Tribunal and Cyber Appellate Tribunal to expedite cybercrime cases. In 2018, there was one Cyber Tribunal in Dhaka, headed by a low-ranking member of the judiciary. The Appellate Tribunal, which can reverse the Cyber Tribunal's rulings, is yet to be formed.[113]

The judicial system of Bangladesh is formally independent from the executive and legislative branches, but critics assert that it can be partisan. Police and regulators generally bypass the courts to implement censorship and surveillance without oversight.[114]

C2 0-4 pts
Are there laws that assign criminal penalties or civil liability for online activities? 0 / 4

Online activists, journalists, and other users regularly face civil and criminal penalties for online expression. Notably, Section 57 of the 2006 ICT Act outlines prohibitions on the electronic dissemination of defamatory, obscene, or false information, with violations punishable by a minimum of seven years imprisonment and fines of up to 10 million takas ($125,000).[115] In 2013, the ICT Act was amended, increasing the maximum prison term for those convicted from 10 to 14 years.[116]

In September 2018, the parliament approved the draft DSA; the cabinet first approved the act in early 2018.[117] While Section 57 of the ICT Act was repealed by the legislation, the new law imposes similarly restrictive provisions. Section 21 provides for sentences of up to 14 years in prison for anyone who uses digital devices to spread negative propaganda regarding the Liberation War or the "father of the nation." Section 25 introduces sentences of up to three years in prison for deliberately publishing intimidating or distorted information against an individual online. Section 28 mandates up to 10 years in prison for harming someone's religious sentiments. Section 29 provides for up to three years in prison for publishing information intended to defame someone. Section 31 provides for sentences of up to seven years in prison for deliberately publishing information that can spread hatred among communities. Section 32 has been criticized by rights groups for potentially stifling investigative journalism by imposing sentences of up to 14 years for recording or accessing information digitally without prior consent.

Under the DSA, no warrant is required before making ICT-related arrests, and some crimes are "nonbailable," meaning suspects must apply for bail at a court.

In January 2020, a group of professors, journalists, and lawyers from Dhaka Supreme Court filed a writ petition with the High Court requesting that it declares certain sections of DSA illegal for being too broad and infringing on free expression.[118] In February 2020, the High Court asked the government to explain why sections 25 and 31 of DSA are constitutional, and should not be repealed.[119] There were no reports on the petition by the end of the coverage period.

The penal code also criminalizes online speech. The Section 124A of the penal code (the Sedition Act) penalizes disaffection toward the lawful government and prescribes up to life imprisonment, with a variable fine.[120]

C3 0-6 pts
Are individuals penalized for online activities? 2 / 6

In Bangladesh, individuals are frequently penalized for online activities that are protected under international human rights standards. During the COVID-19 pandemic, arrests for online speech alarmingly increased.

A number of journalists, activists, and ordinary users have been arrested and charged under the DSA.[121] The nongovernment organization (NGO) Article 19 found that the government is increasingly using the controversial DSA to harass, charge, and arrest people for their online and offline speech.[122] During the first six months of 2020, authorities recorded 113 cases impacting a total of 208 people, including 53 journalists.[123] They arrested 114 people, the majority of whom were still in detention awaiting bail as of June 2020. Sixty cases had already been filed against over 100 people, including 22 journalists.[124] Such numbers are a significant increase from 63 cases in 2019 and 34 in 2018, when the act came into force.

Musician Shariat Sarkar was arrested in January 2020 for allegedly making comments in a concert relating to Islam and singing, a video of which was uploaded to YouTube (see B2).[125] He was charged with violating Section 28 of the Digital Security Act for hurting the "religious sentiment" of Muslims and remained in detention as of July 2020.

In mid-May 2020, police arrested Sushanta Das Gupta, online activist and managing editor and publisher of the daily printed newspaper *Dainik Amar Habiganj*, for allegedly publishing false information about a lawmaker and sharing it on Facebook.[126] He was charged under the DSA and detained until mid-June.[127]

In April 2020, editor of bdnews24.com Toufique Imrose Khalidi, acting editor of jagonews24.com Mohiuddin Sarker, bdnews24.com contributor Rahim Suvho, and freelance journalist Shaown Amin were all charged under the DSA for a range of offenses including publishing "false, offensive and defamatory" content. The charges stemmed from reporting that government relief funds were being misappropriated.[128]

Also in April 2020, police opened a case against Al Mamun, a journalist of the Daily Odhikar, for posting a Facebook status about the administration's role in preventing the return of workers from Dhaka and Narayanganj to Thakurgaon."[129]

In June 2020, a 15-year-old was arrested and charged under the DSA for allegedly defaming the prime minister on social media when posting about a tax on mobile phones.130 Human Rights Watch reported that the minor joins over 1,000 juveniles in detention amid the COVID-19 pandemic.131

In March 2020, a case was filed against journalist Shafiqul Islam Kajol and 31 others, including Daily Manabzamin Editor Matiur Rahman Chowdhury, under the DSA for an article about the arrest of a Jubo Mohila League leader Shamima Nur Papia.132 Papia told investigators during interrogation that several influential bureaucrats and politicians were involved in a sex work and extortion racket. The report was later shared, including by Shafiqul, on social media.133 One day after being charged, Shafiqul was abducted. He was released alive 53 days later,134 but was then taken into custody and denied bail (see C7). As of August 2020, he remained in detention.135

Amid the COVID-19 pandemic, users were frequently arrested and charged for their online speech. For example, 11 people were charged in May 2020 under the Digital Security Act allegedly for their participation in the "I am Bangladeshi" Facebook page.136 Cartoonist Ahmed Kabir Kishore, writer Mushtaq Ahmed, activist Didarul Bhuiyan, and businessman Minhaz Mannan were all arrested for allegedly spreading rumors and misinformation on Facebook about the government's response to the COVID-19 pandemic.137 Reports connect Kishore's arrest to his cartoon series that caricatures ruling party leaders and reiterates allegations of health sector corruption. Similarly, Ahmed has actively critiqued the government online for the alleged shortage of protective gear for doctors, which reports claim led to his arrest. Didarul Bhuiyan and Minhaz Mannan were released on bail in September 2020,138 while Ahmed Kabir Kishore and Mushtaq Ahmed remained in detention as of September.139 The seven others, including Swedish-Bangladeshi journalist Tasneem Khalil who runs Netra News, US-based journalist Shahed Alam, and exiled blogger Asif Mohiuddin, were also charged under the DSA.140

In March, a government engineer from Boalkhali in Chattogram was arrested on allegations of spreading rumors about COVID-19 on Facebook.141 He had posted about a positive case of the virus in Boalkhali that the police could not confirm.

Also in March 2020, a doctor from Chittagong was arrested for circulating an audio clip discussing coronavirus-related deaths on social media. The authorities charged him for spreading rumors.142 Two university teachers were arrested for criticizing the country's previous health minister and how his impact on the health system was hurting COVID-19 patients.

In May 2020, government officials warned that legal action may be taken against government employees who posted, liked, shared, or commented on content which might "tarnish the image of the state" or the government's "important persons" (see B5).143

In July 2019, Bangladesh's RAB arrested eight people over spreading rumors in social media about the construction of the Padma Bridge.144 In the same month police arrested Jahed Hasan Rony from Feni for spreading rumors on Facebook to create communal conflict.145

Authorities continue to arrest and charge users under the ICT Act. In January 2019, Monir Hossain was sentenced to seven years in prison and fined 10,000 takas ($118) after being convicted under Section 57 of the ICT Act, despite its recent repeal, for sharing photoshopped images of the prime minister and other politicians using his mobile phone. He was originally charged in 2013.146

The government has also targeted expatriate Bangladeshis for criticizing the government online. According to a senior officer of the Criminal Investigation Department (CID) of the Bangladesh Police, cases were filed against at least 12 expatriates in the United Kingdom, Malaysia, Saudi Arabia, Qatar, Australia, and Oman for allegedly spreading anti-state rumors on social media.147

Between July and September 2018, a crackdown on the road safety and job quota protest movements in Dhaka led to approximately 100 arrests and 52 cases filed under Section 57 of the ICT Act, sections of the penal code, and the Special Powers Act (see B8).148 Authorities used social media content—including likes, shares, and posts—as justification for many of the arrests.149 Most were charged with spreading false information or working to destabilize the country. The internationally renowned photojournalist Shahidul Alam, a school teacher, an academic at Chittagong University, and a popular actress were also arrested for online posts in connection with the protest movements under Section 57.150 A prominent online activist went into hiding for fear of arrest.151 Alam was later granted bail after spending over 100 days in prison, where he was allegedly beaten (see C7). The academic was granted bail after 37 days in prison.152 In March 2019, the Dhaka High Court, while giving the verdict on a writ petition by Alam questioning the legality of the case, ordered the government to drop the investigation against him.153 The government appealed and in August 2019, the Supreme Court upheld the Dhaka High Court's order.154

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption? 2 / 4

The government does not impose registration requirements on bloggers or internet users, registration is mandatory for online news portals (see B6). However, biometric registration in the form of fingerprints, national identity cards, and related personal information are required to obtain a mobile connection, curtailing anonymous communication.155

Bangladeshi users are not prohibited from using encryption services to protect their communications. There are no

laws requiring users or providers of encryption services to turn over decryption keys to the government.

C5 0-6 pts

 Does state surveillance of internet activities infringe on users' right to privacy? 2 / 6

Bangladesh recognizes the right to privacy and correspondence under Article 43 of the constitution.156 However, there is no specific privacy or data protection law, leaving internet and mobile phone users vulnerable to surveillance or other violations of their privacy.157

The government introduced the smartphone app Corona Tracer BD in June 2020, after the coverage period. The app uses Bluetooth proximity tracking to alert users if they have come in contact with a confirmed positive infection.158 There is little information about what data the app uses, how it is stored, and who has access to it.

Social media monitoring remains a concern in the country. In March 2020, the Ministry of Information announced that a new unit would monitor social media for "rumors" related to COVID-19.159 But they scrapped the order after two days in the wake of public outrage.160 Previously, in October 2018, the government had announced a new social media monitoring program to identify "fake news" and propaganda online. The project reportedly began in November 2018 and is overseen by the Rapid Action Battalion (RAB), a special forces unit that has been implicated in human rights abuses.161 The program's initial budget was 1.2 billion takas ($14 million).162 Similarly, in August 2018, authorities announced that the police would establish a cybercrime monitoring cell in each local district across the country to monitor "cybercrime" and the spread of rumors, including on social media.163 It is unclear whether this program is connected with the RAB's monitoring efforts.

The privacy rights of mobile phone users have also been threatened. In December 2018, it was revealed that the BTRC had collected the personal information of about 70 million mobile subscribers and shared it with other government agencies for a purported "survey."164

In September 2019, the BTRC confirmed that the government set up the "Cyber Threat Detection and Response" project (see B3).165 News reports from 2017 had revealed that the government was planning to install internet monitoring equipment worth approximately $19 million by May 2018 for the project's purposes. Reports claimed the equipment would perform granular analysis of network traffic using deep packet inspection (DPI) in order to help the government enforce the ban on pornography and conduct monitoring to combat militancy.166

The Ministry of Home Affairs submitted a proposal in 2015 to purchase approximately $25 million worth of equipment from foreign companies to upgrade its mobile telephone, internet, and related surveillance networks. The proposal requested that a cabinet committee on economic affairs relax procurement regulations to facilitate the purchase, which would enable the National Telecommunication Monitoring Center (NTMC) to conduct "lawful interception" to assist local law enforcement agencies. The center has operated under the Ministry of Home Affairs since 2014, according to reports. Foreign companies listed in the proposal include the US firms Verint Systems and SS8, German firms Trovicor and UTIMACO, the Italian firm RCS, the Chinese firm Inovatio, and the Swiss firm New Saft.167 The companies advertise equipment capable of analyzing data traffic, calls, emails, and audiovisual materials online. In June 2018, the Ministry of Home Affairs' proposal to spend $27 million on the surveillance technology was approved.168

In 2014, the UK-based nonprofit Privacy International reported that the RAB sought to purchase mobile surveillance technology from a company based in Switzerland. The technology would allow police to "indiscriminately gather data from thousands of mobile phones in a specific area and at public events such as political demonstrations," according to the group.169 The same year, leaked documents about a Bangladesh law enforcement agency's 2012 purchase of FinFisher software distributed by Gamma International, which is used to monitor digital traffic, was published on WikiLeaks.170

C6 0-6 pts

 Are service providers and other technology companies required to aid the government in monitoring 2 /
 the communications of their users?   6

Service providers and technology companies are required to aid the government in monitoring the communications of their users. Rights groups have raised concerns about the security of the country's mobile phone registration process and possible access to biometric data by third parties (see C4).171

The government can request that telecommunications providers retain the data of any user for an unspecified period, according to the 2001 Bangladesh Telecommunication Regulatory Act.172 The act was amended in 2010, and now allows the government to intercept electronic voice or data communications from any individual or institution without a court order to ensure the security of the state. The act also requires domestic service providers to cooperate with the government in intercepting such communications, though there are no clear provisions governing the process or the penalties for noncompliance.173

In 2017, Facebook refused to sign a memorandum of understanding with the Bangladesh police requesting that Facebook require additional identification, including national identification numbers, from Bangladeshi nationals to register with the social network.174

Between July and December 2019, Facebook received 179 requests from the government for user data. Facebook provided them the data in 45 percent of cases.175 During the same period, Google received 19 requests for user data that impacted 38 accounts. They complied with 53 percent of requests.176

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other 1 /
actor in retribution for their online activities? 5

Score Change: The score declined from 2 to 1 because of the increase in physical violence, including at least one abduction and another death, linking back to the victims' online activity.

Physical violence, intimidation, and harassment of online journalists and ordinary users have increased in recent years, particularly during political tense moments like protests and elections, or linked to the discussion of political topics online.

Abrar Fahad, a student of the Bangladesh University of Engineering and Technology, was tortured and murdered in October 2019 by members of the Chhatra League, the student wing of the ruling Awami League party.[177] Local reports and Human Rights Watch pointed to Fahad's Facebook activity as a potential motive for the attack: one of Fahad's posts criticized the government's new water sharing agreement with India.[178] A webpage that shared students' experiences of abuse after the murder was later blocked (see B1). In August 2020, after the coverage period, members of Chhatra League also accused Saleh Uddin Sifat, a Dhaka University law student, of "anti-government activities" on social media and beat him. He was hospitalized and in critical condition.[179]

In March 2020, journalist Shafiqul Islam Kajol was abducted in front of his office one day after a case was filed against him and others under the DSA (see C3). The case stemmed from a report Shafiqul shared on social media alleging influential bureaucrats and politicians were involved in a sex work and extortion scandal.[180] He was found alive 53 days later, 250 kilometers away from his office, in Benapole near the Indian border.[181] He was then detained by authorities and denied bail.

In a separate case, Amnesty International reported on Ashraf Uddin Mahdi, a student and online activist, who was disappeared in Dhaka in August 2020, after the coverage period.[182] Mahdi told the NGO that he was released after 48 hours on his abductors' conditions that he cease posting critical commentary on social media about people connected to the government.

In February 2020, Mostafizur Rahman, a reporter at online news portal Agami News, was physically attacked by supporters of the ruling Awami League while covering the Dhaka City Corporation election.[183] He was hospitalized and got stitches on his head.

There were also cases of physical violence, intimidation, and harassment linking to online activity about COVID-19. In July 2020, after filming a video about the embezzlement and misappropriation of food aid, Sagor Chowdhury, editor of the 360degree news portal, was beaten by Nabil Haider, a member of the Chhatra League, and his associates.[184] Local reports also identify three other journalists who were attacked by Mahibur Rahman Harun, another member of Awami League, and other men, in relation to a Facebook Live event discussing COVID-19 food aid being misappropriated. In separate cases, Amnesty International reported that plainclothes police were involved in arrests and raids of people charged under the DSA for their COVID-19 content on social media (see C3).[185]

In April 2020, an intelligence agency official visited Naznin Khalil, the mother of the editor-in-chief of Netra News, Tasneem Khalil. The men threatened Khalil, who is a reknown Bengali poet, to tell her son in Sweden to stop publishing reports that "tarnish the image of Bangladesh."[186]

Separately in March 2020, two college teachers in Bangladesh were suspended for their Facebook posts criticizing the government's handling of the COVID-19 pandemic and asking about the shortage of personal protective equipment (PPE) for doctors.[187]

Amid student protests, journalists and ordinary internet users were subjected to violence. While renowned photojournalist and online activist Shahidul Alam covered the protests and shared updates via social media in August 2018, government supporters attacked him and reportedly broke his camera.[188] Alam was later arrested and allegedly beaten while in detention (see C3). Journalists reporting on the elections and allegations of fraud were also subjected to violence, and some alleged that they were forced to delete photos of their reporting.[189] Al Amin, a reporter for the news site Cvoice24.com, was beaten by 15 men as he tried to enter a polling station on election day.[190]

Journalists and others who speak out on controversial issues have been killed in the past. A series of bloggers murdered from 2013 to 2016 has had a deleterious effect on internet freedom. Although local Al-Qaeda branches claimed responsibility in some cases,[191] police have said that local radical groups, notably the Ansarullah Bangla Team, recruited and trained students and religious teachers to execute the targets, frequently using machetes.[192] Many bloggers have left the country or sought asylum abroad.[193] Others expressed their determination to continue writing.[194] Little progress has been made in the investigations of the bloggers murdered.

Online activity has influenced offline violence in communities. In October 2019, posts criticizing the prophet Muhammad was shared on the Facebook account of Biplop Chandra Baiddya, a 25-year-old student. Baiddya went to the police on the same night and complained that his account was hacked, and the hackers demanded ransom of 20,000 takas ($235) to give back the controls of the account. However, the posts had spread on Facebook and other

social media, angering Muslim users. Approximately 20,000 Muslims demonstrated at a prayer ground in Borhanuddin Upazila of the Bhola District, calling for the execution of Baiddya. The demonstration turned violent with police using live bullets in response.195

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to 1 / widespread hacking and other forms of cyberattack?   3

Score Change: The score declined from 2 to 1 due to new reporting alleged that the government contracts a unit of hackers to gain access to the Facebook profiles and pages of activists, dissidents, and opposition figures.

During the coverage period, new reports alleged that hacking group hired by the government targets journalists and dissidents. A cyberattack on a bank also raised concerns about the state of cybersecurity in the country.

May 2020 reporting from the Swedish investigative Netra News cited whistleblowers alleging that the Directorate General of Forces Intelligence (DGFI) maintains a team of civilian contracted hackers who work for the Signal Intelligence Bureau (SIB).196 The hacking team has sophisticated technology that gives them the ability to intercept SMS messages to access verification codes for two-factor authentication. Netra News also claims that they have evidence that the SIB hacked into the Facebook account of famous writer Pinaki Bhattacharya in September 2018 by intercepting the two-factor authentication passcodes. The whistleblower cited in the Netra News reports also alleged that the unit maintains a "collection of hacked accounts" that they use for high-value hacking operations.

According to the article, during a May Facebook Live event on COVID-19 and government censorship between the editor-in-chief of Netra News Tasneem Khalil and the student organization Swatantra Jote, members of the Public Relations Monitoring Cell (PRMC) mass reported the page to Facebook. The platform then imposed restrictions on Swatantra Jote's page.

Private sector actors are frequently subjected to technical attacks. In May 2019, three Bangladeshi banks were victimized by cyberattacks. One of the banks, Dutch Bangla Bank Limited (DBBL), lost approximately $3 million in the attack.197 The DBBL attack was one of the most prominent cyberattacks since the 2016 hacking of a computer at the Central Bank, in which millions of dollars were transferred to a bank in the Philippines, highlighting wider cybersecurity vulnerabilities.198 ISPs have informally organized a cyber emergency response team to address online threats.199

Footnotes

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