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Country Policy and Information Note

Bangladesh: Journalists, the press and social media

Version 2.0

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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89 Eccleston Square

London, SW1V 1PN

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 5 January 2021

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution and/or serious harm by the state or non-state actors because of the person's actual or imputed political opinion or religious views.

1.2 Points to note

- 1.2.1 A person's views may have been broadcast on television, or published in print or online media, including social media. A person may have broadcast their views in their capacity as a journalist, writer, blogger or as a general user of social media, in Bangladesh or abroad.

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For guidance on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection, which has a wider range of exclusions than refugee status.
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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2.3 Convention reason(s)

- 2.3.1 Actual or imputed political opinion or religion.
- 2.3.2 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the person has a well-founded fear of persecution on account of an actual or imputed Refugee Convention reason.

- 2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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2.4 Risk

a. State treatment

- 2.4.1 The Constitution provides for freedom of speech and the press, subject to 'reasonable restrictions' imposed by law (see [Constitution](#)). Independent print, broadcast and online media are active and express a wide range of views and opinions, although tends to be polarised and aligned to one or other of the main political parties. There are over a thousand privately owned daily newspapers, thousands of journalists, and the online media landscape is vibrant although becoming subject to an increased level of censorship. The state owned television channel is the only network with national terrestrial coverage although private satellite and cable channels have wide audiences (see [Legal rights](#) and [Broadcast, online and print media](#)).
- 2.4.2 The authorities sometimes use legal provisions, such as the Information and Communication Technology (ICT) Act or Digital Security Act (DSA), to harass, arrest, detain or prosecute persons who have published material that is deemed to be critical of the state, the Constitution or the ruling party, and thus considered seditious or defamatory. It is also a criminal offence to publish material that is deemed to hurt religious sentiment or values or that may spread hatred or hostility that threatens public order, decency or morality. The DSA also provides for extra-territorial application of the law, that is, comments made or articles published outside of Bangladesh which contravene the law may be punishable under this legislation (see [Legal rights](#), [Freedom of expression](#), [Critics of Islam](#) and Sur place activity – [Legal context](#)).
- 2.4.3 Journalists routinely practice self-censorship and bloggers are known to use pseudonyms, especially when reporting on political and religious topics, due to the increased application of criminal laws on defamation. Authorities restrict freedom of expression by blocking websites and news outlets, using surveillance and by using the DSA to harass, arrest and arbitrarily detain journalists, activists and others who criticise the government, especially during election periods. This includes participation in Facebook pages. Over the past few years, hundreds of people have been arrested under the ICT Act and DSA although the exact number at any given time varies from source to source. There is also limited available evidence to indicate that people are subsequently tried and convicted of crimes and many cases are brought without substance or evidence and dismissed or settled out of court. Others are held in detention for months awaiting bail. Since the outbreak of Covid-19 in March 2020 there has been a surge in arrests under the DSA after the government received criticism for its poor response to the pandemic (see [Censorship, self-censorship and media monitoring](#), [Critics of Islam](#), [Arrest, detention and charges brought under media laws](#) and [Court cases and convictions](#)).
- 2.4.4 Some journalists are subject to threats and retaliatory violence by state actors including activists and members of the ruling Awami League, student

affiliates and the security forces. Several journalists were assaulted whilst covering the national election in 2018 and during local elections in Dhaka in February 2020. There are allegations of enforced disappearances and torture whilst in police custody (see [Harassment and violence](#) and [Arrest, detention and charges brought under media laws](#)).

- 2.4.5 Several 'atheist' bloggers left Bangladesh following a spate of violent attacks against them by Islamist militants between 2013 and 2016. Whilst continuing to blog from abroad, they fear arrest under defamation laws if they return to the country and one prominent blogger indicated his family in Bangladesh face police harassment on account of his absence and that he receives threatening calls from the police about his continuing online activity (see [Critics of Islam](#) and [Sur place activity](#)).
- 2.4.6 Journalists whose reporting is deemed critical of the state or religious affairs may to be subject to treatment, including harassment, violence, arrest and criminal charges, that is sufficiently serious, by its nature or repetition, to amount to persecution. Bloggers and other users of social media, who comment on sensitive issues, including criticism of the state or of Islam, may also be subject to treatment, including harassment, violence, arrest and criminal charges, that is sufficiently serious, by its nature or repetition, to amount to persecution.
- 2.4.7 Whether a person is at risk of persecution or serious harm from the state will depend on particular factors specific to them, for example: the subject matter and legality of the material published and the publicity attracted of said material. Each case must be considered on its facts with the onus on the person to show that they would be at real risk of serious harm or persecution on account of their actual or perceived political opinion or religion.
- 2.4.8 For further information on human rights violations by the state, see the [Country Policy and Information Note on Bangladesh: Actors of protection](#).
- 2.4.9 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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b. Societal treatment

- 2.4.10 Some journalists face harassment, threats and violence from activists and supporters of the ruling Awami League, criminal organisations, business owners and Islamist groups for critical reporting. Islamist groups use the term 'atheist' to label those who have publicly criticised Islamic fundamentalism or questioned the role of Islam in the state. In 2015, an Islamist group explicitly stated that it was targeting writers, journalists, intellectuals and artists who publicly insulted Islam, rather than unbelievers who kept their views private. Several extensive 'hit lists' containing the names of 'anti-Islamist' bloggers appeared between 2013 and 2015. A wave of attacks, some fatal, by Islamic militants, targeted anti-Islamist bloggers between 2013 and 2016. The names of bloggers killed by extremists in 2015 were included on the 'hit lists'. Islamic militants are suspected of murdering a secularist writer in 2018. No more recent information relating to 'hit lists' or Islamic attacks against bloggers or writers could be found by CPIT among the sources consulted (see [Harassment and violence](#) and [Critics of Islam](#)).

- 2.4.11 Several bloggers went into hiding or moved abroad following the Islamist attacks in 2015 and remain active on social media though the threat from Islamic extremists continues. They frequently receive threats online and over the phone and continue to feel unsafe, guarding their whereabouts and movements and fearing retaliation by Islamic fundamentalists if they return to Bangladesh. At a prayer gathering in July 2020, a district unit president of Bangladesh's largest religious group, Hefazat-e-Islam, said that if atheists could be reached, they would have 'torn [them] into pieces'. There have been no reported attacks by extremists since 2018 (see [Critics of Islam](#) and [Blogging from abroad](#)).
- 2.4.12 Journalists whose reporting is deemed critical of the state or religious affairs may to be subject to treatment, including harassment and violence, that is sufficiently serious, by its nature or repetition, to amount to persecution. Bloggers and other users of social media, who comment on sensitive issues, including criticism of the state or of Islam, may also be subject to treatment, including harassment and violence, that is sufficiently serious, by its nature or repetition, to amount to persecution.
- 2.4.13 Whether a person is at risk of persecution or serious harm from non-state actors will depend on particular factors specific to them, for example, the subject matter of the material published and the publicity attracted of said material. Each case must be considered on its facts with the onus on the person to show that they would be at real risk of serious harm or persecution on account of their actual or perceived political opinion or religion.
- 2.4.14 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to avail themselves of the protection of the authorities.
- 2.5.2 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state actors, decision makers must assess whether the state is willing and able to provide effective protection.
- 2.5.3 In response to the wave of militant attacks against atheist social media bloggers, the authorities conducted extensive counter-terrorism operations and there have been arrests and successful prosecutions in some of these cases. However, while condemning the threats and acts of violence, some ministers attributed blame on the bloggers for criticising religion. Police have reportedly told bloggers that protection is not available or guaranteed and there is a general climate of impunity for threats and attacks against journalists (see [Critics of Islam](#) and [Harassment and violence](#)).
- 2.5.4 In general, the state is able but not always willing to offer effective protection. Each case must be considered on its facts. The onus is on the person to demonstrate that they would not be able to seek and obtain effective state protection.

- 2.5.5 For more information on the state's ability to provide protection, see also the [Country Policy and Information Note on Bangladesh: Actors of protection](#).
- 2.5.6 For further general guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution from the state and there is no safe part of the country where they would not be at risk from the state, they are unlikely to be able to relocate to escape that risk.
- 2.6.2 Where the person has a well-founded fear from a non-state actor, decision makers must give careful consideration to the relevance (is there a place within the country where there is no risk of persecution or serious harm) and reasonableness of internal relocation taking full account of the individual circumstances of the particular person.
- 2.6.3 The Court of Appeal in [SC \(Jamaica\) v Home Secretary \[2017\] EWCA Civ 2112](#) held that, 'the evaluative exercise is intended to be holistic and ... no burden or standard of proof arises in relation to the overall issue of whether it is reasonable to internally relocate' (para 36).
- 2.6.4 Relocation to another area of Bangladesh where the person is not at risk of persecution or serious harm may be possible but will depend on the profile, intent and capability of the persecutor to harm the person in the area of relocation and whether person can reasonably move, taking into account their individual circumstances (including age, gender, experience, health, skills and family ties).
- 2.6.5 See the [Country Policy and Information Note on Bangladesh: Background including internal relocation](#), for information and a general assessment of the possibility and reasonableness of relocation.
- 2.6.6 However, female journalists, media workers and bloggers, especially single women with no support network, may be less able than men to safely relocate, but this will depend on an assessment of their individual circumstances (see the [Country Policy and Information Note on Bangladesh: Women fearing gender-based violence](#)).
- 2.6.7 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 1 December 2020

3. Broadcast, online and print media

3.1 Television and radio

3.1.1 The most popular broadcast medium in Bangladesh is television^{1 2}. The BBC News profile on Bangladesh media, dated August 2019, noted, 'State-owned [Bangladesh TV] BTV is the sole network with national terrestrial coverage. Satellite and cable channels and Indian TV stations have large audiences. State radio covers almost the entire country. BBC World Service in English and Bengali is heard on 100 FM in Dhaka.'³

3.1.2 The Australian Government's Department of Foreign Affairs and Trade (DFAT) country information report for Bangladesh, which is drawn from a range of sources and 'on-the-ground knowledge', dated 22 August 2019, noted:

'A large number of private television networks exist alongside a nationwide public broadcaster. Television is the most popular medium, particularly in major cities. While the state-run Bangladesh Television is the sole terrestrial network with national coverage, there are more than 40 privately owned television stations... State-run radio covers almost the entire country, and there are approximately two dozen privately owned radio stations, including several community stations.'⁴

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3.2 Print media

3.2.1 BBC News noted in August 2019, 'Newspapers are outspoken and privately-owned. English-language titles appeal mainly to an urban readership.'⁵ DFAT noted 'There is a range of Bengali and English language newspapers that are diverse, outspoken, and privately owned. Low literacy rates in rural areas limit the reach of newspapers outside urban centres.'⁶

3.2.2 Media Landscapes, created by the European Journalism Centre, provided summaries and analyses of the state of media⁷. In its profile of Bangladesh, Media Landscapes noted, 'According to the 2016 National Media Survey (NMS), print is the second most widespread media in the country with 23.8 percent readership... As per the disclosure of the Information Minister at the National Parliament in January 2018, there are 3,025 registered print media in Bangladesh and 1,191 of them are daily newspapers. Of the dailies, 470 are based in the capital city, Dhaka.'⁸

¹ BBC News, '[Bangladesh profile – Media](#)', 27 August 2019

² Media Landscapes, '[Bangladesh](#)' (Television), no date

³ BBC News, '[Bangladesh profile – Media](#)', 27 August 2019

⁴ DFAT, '[Country Information Report Bangladesh](#)' (paragraph 3.103), 22 August 2019

⁵ BBC News, '[Bangladesh profile – Media](#)', 27 August 2019

⁶ DFAT, '[Country Information Report Bangladesh](#)' (paragraph 3.103), 22 August 2019

⁷ Media Landscapes, '[Bangladesh](#)' (About), no date

⁸ Media Landscapes, '[Bangladesh](#)' (Media: Print), no date

- 3.2.3 Media Landscapes noted ‘According to various estimations, the total Bengali newspaper circulation is around 1.5 million copies. Ten leading national newspapers have over 90 percent of the circulation. English circulation is also low, around 70,000. Like the Bengali circulation, residents of the capital are the buyers of English newspapers. The Daily Star is grabbing 77 percent of the total English circulation, according to the newspaper.’⁹

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3.3 Digital media

- 3.3.1 Media Landscapes reported ‘Increased Internet accessibility has brought another dimension to Bangladesh’s media landscape and that is an increasing digitalisation. Most leading newspapers have web portals, Facebook pages, Twitter accounts and presence on Youtube. Some newspapers outside of the capital have their online news portals. Most television stations have their separate digital news services.’¹⁰
- 3.3.2 As noted in the DFAT report ‘The number of online news outlets has increased dramatically in recent years, as has the use of social-networking websites. The percentage of Bangladeshis who are internet users is steadily rising, although the actual prevalence is unclear. Although no statistics are available, the higher concentration of economic activities and critical infrastructure in urban areas indicates that there are likely to be more internet users in cities.’¹¹
- 3.3.3 The Freedom House report, Freedom on the Net 2020, covering the period 1 June 2019 to 31 May 2020, noted:
- ‘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. As 4G technology has become widespread, YouTube content in Bengali languages have become more popular. Some YouTubers in the field of food, music, entertainment, and news boast over a million subscribers online.’¹²
- 3.3.4 The same source noted ‘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. 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.’¹³

⁹ Media Landscapes, ‘[Bangladesh](#)’ (Media: Print), no date

¹⁰ Media Landscapes, ‘[Bangladesh](#)’ (Media: Digital media), no date

¹¹ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.104), 22 August 2019

¹² Freedom House, ‘[Freedom on the Net 2020](#)’ (section B7), 14 October 2020

¹³ Freedom House, ‘[Freedom on the Net 2020](#)’ (section B6), 14 October 2020

- 3.3.5 In December 2019, the government announced that 3,595 news portals had applied for registration, which were under review by the Home Ministry, which had ‘scrutinized the documents of several hundred online news portals.’¹⁴ On 4 September 2020 Bdnews24 reported that the government had given permission to 92 daily newspapers to register their online portals¹⁵.
- 3.3.6 Transparency International Bangladesh said the registration of online media outlets would ‘ensure the institutionalisation of the government’s control over media.’¹⁶
- See also [Censorship, self-censorship and media monitoring](#).
- 3.3.7 BBC News noted that, according to the telecom regulator ‘[T]here were 92 million internet users by February 2019. The vast majority are using mobile devices.’¹⁷ According to the Bangladesh Telecommunication Regulatory Commission (BTRC), as at end of July 2020, there were over 106.4 million internet subscribers¹⁸ and 164.3 million mobile phone subscribers¹⁹. Internet World Stats (IWS) estimated nearly 34 million Facebook users in January 2020²⁰.

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3.4 Political bias and interference on media outlets

- 3.4.1 Various sources indicated that media tends to be polarised and aligned to one or other of the main political parties, although allegiances shifted depending who was in power at the time^{21 22 23}.
- 3.4.2 The DFAT report noted ‘The Ministry of Information controls broadcast licensing for both commercial and community outlets. Private broadcast outlets are required to air selected government-produced news segments and official speeches, and DFAT considers credible reports of government officials instructing private outlets not to cover activities of the opposition.’²⁴
- 3.4.3 The same source added:
- ‘A media licence is required to operate a public television channel, and DFAT is aware of reports of government pressure being applied to licence holders who present anti-government views. International observers report that non-government broadcasters are required to broadcast government content and are not remunerated for this service. Authorities have on occasion refused journalists who have criticised the government access to

¹⁴ Dhaka Tribune, ‘[Information minister: Online news portal registration next week](#)’, 2 December 2019

¹⁵ Bdnews24, ‘[Bangladesh greenlights 92 newspapers to register websites](#)’, 4 September 2020

¹⁶ Prothom Alo, ‘[Registration obligation of online version of newspapers, TV, ...](#)’, 1 September 2020

¹⁷ BBC News, ‘[Bangladesh profile – Media](#)’, 27 August 2019

¹⁸ BTRC, ‘[Internet Subscribers](#)’, July 2020

¹⁹ BTRC, ‘[Mobile Phone Subscribers](#)’, July 2020

²⁰ IWS, ‘[Usage and population stats – Bangladesh](#)’, no date

²¹ BBC News, ‘[Bangladesh profile – Media](#)’, 27 August 2019

²² Dhaka Courier, ‘[Bangladesh TV: Ownership patterns and market crisis](#)’, 10 May 2019

²³ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.103), 22 August 2019

²⁴ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.103), 22 August 2019

events with the Prime Minister, and have threatened with closure media outlets perceived as hostile.’²⁵

- 3.4.4 The US Department of State noted, in its human rights report for 2019 (USSD HR Report 2019), ‘The government maintained editorial control over the country’s public television station and mandated private channels broadcast government content at no charge. Civil society organizations said political interference influenced the licensing process, since all television channel licenses granted by the government were for stations supporting the ruling party.’²⁶
- 3.4.5 In May 2019, The Dhaka Courier, a weekly English-language magazine, listed the [ownership patterns](#) of the top 20 private TV stations and their political affiliation²⁷.

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3.5 Journalist associations

- 3.5.1 Bangladesh has numerous journalist associations across the country, as well as trade unions for journalists, both with thousands of members²⁸.

3.6 Media directory

- 3.6.1 See the BBC News [media profile](#), [ABYZ Newslinks](#) and [Media Landscapes](#) for a list of Bangladesh’s broadcast and print media.

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Section 4 updated: 1 December 2020

4. Legal rights

4.1 Constitution

- 4.1.1 Article 39 (1) of the Constitution guarantees freedom of thought and conscience²⁹. Article 39 (2) guarantees the right of every citizen to freedom of speech and expression as well as freedom of the press, which is ‘Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence...’³⁰
- 4.1.2 The USSD HR Report 2019 noted ‘The constitution equates criticism of the constitution with sedition. Punishment for sedition ranges from three years’ to life imprisonment.’³¹

See also [Arrests, detentions and charges under media laws](#).

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²⁵ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.105), 22 August 2019

²⁶ USSD, ‘[HR Report 2019](#)’ (section 2A), 11 March 2020

²⁷ Dhaka Courier, ‘[Bangladesh TV: Ownership patterns and market crisis](#)’, 10 May 2019

²⁸ Media Landscapes, ‘[Bangladesh](#)’ (Organisations), no date

²⁹ [Constitution](#) (Article 39(1)), 1972

³⁰ [Constitution](#) (Article 39(2)), 1972

³¹ USSD, ‘[HR Report 2019](#)’ (section 2A), 11 March 2020

4.2 Legislation affecting the media

4.2.1 Media Landscapes reported ‘Old laws that exert influence upon the working of the media in one way or the other are Special Powers Act of 1974, Official Secrets Act of 1923, Contempt of Court Act 1926, Copyright Act 2000 and the Code of Criminal Procedure (CrPC).’³² Section 499 of the [Penal Code](#) criminalises defamation³³.

4.2.2 Considering the [Code of Criminal Procedure \(CrPC\)](#)³⁴, Media Landscapes noted that it:

‘... has a provision [Article 99A] for issuing direct arrest warrants against anybody including journalists, writers and publishers of any books or newspapers if they wrote or said anything considered defamatory. Journalists have long been demanding the scrapping of the provision, only to be ignored by the successive governments. However, in 2011 the Bangladesh Parliament passed a bill, scrapping the provision of issuing direct arrest warrants against journalists, writers and others for writing or saying anything defamatory. But it did not bring any relief to the media as more stringent laws were promulgated later.’³⁵

4.2.3 The DFAT report referred to offences relating to blasphemy and defamation of religion:

‘Chapter XV of the Penal Code (“Of Offences Relating to Religion”) provides for penalties of up to two years’ imprisonment for statements or acts that demonstrate a “deliberate and malicious” intent to insult religious sentiments. Although the code does not define “intent to insult religious sentiments”, Bangladeshi courts have generally interpreted it to include insulting the Prophet Mohammed. The Criminal Code allows the government to confiscate all copies of any newspaper, magazine, or other publication containing language that “creates enmity and hatred among the citizens or denigrates religious beliefs”.’³⁶

See also [Critics of Islam](#) and the Country Policy and Information Note on [Bangladesh: Religious minorities and atheists](#).

4.2.4 Freedom House referred to the Information and Communication Technology (ICT) Act, noting ‘... 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) [approximately £88,000]. In 2013, the ICT Act was amended, increasing the maximum prison term for those convicted from 10 to 14 years.’³⁷

4.2.5 Media Landscapes noted the ICT Act ‘... has a provision to sue journalists on charges of defamation and hurting religious sentiment, and a jail term for 10 years. The law was amended in 2013 only to make it harsher, extending

³² Media Landscapes, ‘[Bangladesh](#)’ (Policies: Media legislation), no date

³³ [Penal Code](#) (Section 499), 1860

³⁴ [CrPC](#) (Article 99A), 1898

³⁵ Media Landscapes, ‘[Bangladesh](#)’ (Policies: Media legislation), no date

³⁶ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.36), 22 August 2019

³⁷ Freedom House, ‘[Freedom on the Net 2020](#)’ (section C2), 14 October 2020

the jail term to 14 years and scraping the provision of bail. The law has, in fact, no safeguard for journalists and the result is that two dozen journalists were sued under its Section 57 of the Act alone in 2017.’³⁸

- 4.2.6 The [Digital Security Act \(DSA\) 2018](#)³⁹ came into force in October 2018^{40 41}. Section 61 of the DSA has repealed sections 54, 55, 56, 57 and 66 of the ICT Act⁴², but imposed similar restrictions⁴³.

See [Digital Security Act \(DSA\)](#).

- 4.2.7 Media Landscapes reported ‘In 2014, the government passed the National Broadcast Policy for television and radio stations, drawing widespread debates and criticism from rights activists, civil society and media personalities, who expressed concern about a possible misuse of some of its provisions and the scope of undermining the constitutional right to free media, access to information and freedom of expression.’⁴⁴

- 4.2.8 The National Broadcast Policy recommended a new broadcast law⁴⁵. In December 2018 Reuters noted:

‘The proposed new Broadcast Act that is under consideration would apply to print, broadcast and digital media, and it would give a government-appointed Broadcast Commission wide powers to levy fines of up to 50 million taka (\$596,018) [approximately £443,000] and withdraw the operating licenses of outlets it deems to be in violation of the law.

‘The commission could also recommend prosecution of anyone it deems guilty, and courts will be allowed to imprison those found guilty under the law for up to 7 years.

‘Offences under the proposed new law include the telecasting, broadcasting or publishing of any statement deemed to be against the country, or against public interest; sharing any misleading or untrue information or data on a talk show; broadcasting any show, or ad contrary to national culture, heritage and spirits; telecasting any show or advertisement with scenes of aggression or indecent language.’⁴⁶

- 4.2.9 At time of publication of this Country Policy and Information Note, the Broadcast Act had yet to be approved by parliament.

See also [Arrests, detentions and charges under media laws](#).

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4.3 Digital Security Act (DSA)

- 4.3.1 Reuters noted that the DSA ‘... melds the colonial-era Official Secrets Act with tough new provisions’, adding ‘The law allows police to arrest anyone

³⁸ Media Landscapes, ‘[Bangladesh](#)’ (Policies: Media legislation), no date

³⁹ [DSA](#), 8 October 2018

⁴⁰ Bertelsmann Stiftung, ‘[BTI 2020 Country Report – Bangladesh](#)’ (page 9), 2020

⁴¹ Freedom House, ‘[Freedom on the Net 2020](#)’ (section C2), 14 October 2020

⁴² Bdnews24, ‘[Bangladesh passes Digital Security Act ignoring concerns it will...](#)’, 19 September 2018

⁴³ Freedom House, ‘[Freedom on the Net 2020](#)’ (section C2), 14 October 2020

⁴⁴ Media Landscapes, ‘[Bangladesh](#)’ (Policies: Media legislation), no date

⁴⁵ Media Landscapes, ‘[Bangladesh](#)’ (Policies: Media legislation), no date

⁴⁶ Reuters, ‘[Factbox: Bangladesh's broad media laws](#)’, 13 December 2018

without a warrant if they believe that an offense under the law has been, or is being committed, or they believe there is a possibility of a crime and risk of evidence being destroyed. The law carries prison sentences of up to 14 years for any person trying to secretly record information inside government buildings. Critics say this makes investigative journalism into any government corruption almost impossible.⁴⁷

4.3.2 Freedom House noted in its 2020 Freedom on the Net report:

‘While Section 57 of the ICT Act was repealed by the legislation, the [DSA] 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. 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. There were no reports on the petition by the end of the coverage period.⁴⁸

4.3.3 Bertelsmann Stiftung’s Transformation Index (BTI), a think-tank, which assesses the transformation toward democracy and a market economy as well as the quality of governance in 137 countries, noted in its BTI 2020 Country Report for Bangladesh, covering the period 1 February 2017 to 31 January 2019, ‘Section 43 of the new [Digital Security] Act allows police to arrest and imprison a person for up to 10 years for using digital devices to spread propaganda against Bangladesh’s Liberation War, the national anthem or national flag. Sections 21, 25, 28, 29, 31, 32 and 43 also undermine and criminalize the freedom of expression.⁴⁹

4.3.4 The DFAT report noted that ‘The DSA gives authorities the power to review digital communications, including on social media and closed-source platforms, and criminalises various types of online speech, ranging from

⁴⁷ Reuters, ‘[Factbox: Bangladesh's broad media laws](#)’, 13 December 2018

⁴⁸ Freedom House, ‘[Freedom on the Net 2020](#)’ (section C2), 14 October 2020

⁴⁹ Bertelsmann Stiftung, ‘[BTI 2020 Country Report – Bangladesh](#)’ (page 9), 2020

defamatory messages to speech that “injures religious values or sentiments”.⁵⁰

- 4.3.5 Writing in the Observer Research Foundation (ORF), a think-tank based in India, Rahul Krishna, noted in October 2019 that the DSA:

‘... also places strict timelines for completion of investigations and trials. There is a 60-day window for investigations afforded to police officers beyond which lengthy reports have to be filed with the Tribunal for any extension, even after which the investigation can be extended to 105 days. Supporters of these timelines claim that it will help improve conviction rates and bring quick justice to the victims of cybercrime. However, with the range of powers at the disposal of investigating authorities, these stringent timelines encourage the police to aggressively pursue arrests and then convictions while disregarding due process enshrined under various procedural codes.’⁵¹

- 4.3.6 In November 2019, Article 19, a UK human rights organisation defending the rights of free speech and expression, provided an [analysis of the DSA](#), in which it described many of the provisions as too ‘vague and overbroad’ and the several speech offences that criminalise legitimate expression⁵².

See also [Arrests, detentions and charges under media laws](#) and Sur place activity – [Legal context](#), which refers to the application of the DSA for offences committed abroad.

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Section 5 updated: 1 December 2020

5. Freedom of expression

5.1 Freedom of speech and the press

- 5.1.1 The USSD HR Report 2019 noted that the government sometimes failed to respect the rights of freedom of speech and the press despite provisions in the constitution⁵³ (see [Constitution](#)). The same report added ‘There were significant limitations on freedom of speech.’⁵⁴

- 5.1.2 Freedom House also noted that, despite freedom of speech being protected under the constitution ‘...other laws undermine these rights and internet users frequently face criminal penalties for free expression protected under international human rights standards.’⁵⁵

See also [Legal rights](#) and [Internet freedom](#).

- 5.1.3 The Freedom House Freedom in the World 2020 report rated Bangladesh’s media ‘Not Free’^{56 57}. Reporters Without Borders (RSF) ranked Bangladesh

⁵⁰ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.102), 22 August 2019

⁵¹ ORF, ‘[How dissent is prosecuted in Bangladesh](#)’, 5 October 2019

⁵² Article 19, ‘[Bangladesh: Digital Security Act 2018](#)’, November 2019

⁵³ USSD, ‘[HR Report 2019](#)’ (section 2A), 11 March 2020

⁵⁴ USSD, ‘[HR Report 2019](#)’ (section 2A), 11 March 2020

⁵⁵ Freedom House, ‘[Freedom on the Net 2020](#)’ (section C1), 14 October 2020

⁵⁶ Freedom House, ‘[Freedom in the World 2020](#)’ (section D1), 4 March 2020

⁵⁷ Freedom House, ‘[Freedom in the World Methodology](#)’ (Key to scores and status), 4 March 2020

151 out of 180 countries in its 2020 World Press Freedom Index, the country's lowest ranking since RSF's index was introduced in 2013⁵⁸. With a global score of 49.37⁵⁹ (0 being the best possible score and 100 the worst⁶⁰), RSF categorised the country's press freedom as 'bad'^{61 62}.

5.1.4 It was noted in the USSD HR Report 2019 that:

'The law limits hate speech but does not define clearly what constitutes hate speech, which permits the government broad powers of interpretation. The government may restrict speech deemed to be against the security of the state; against friendly relations with foreign states; and against public order, decency, or morality; or that constitutes contempt of court, defamation, or incitement to an offense. The 2016 Foreign Donation (Voluntary Activities) Regulation Act criminalizes any criticism of constitutional bodies. The 2006 Information and Communication Technology Act references defamation of individuals and organizations and was used to prosecute opposition figures and civil society.'⁶³

See [Legislation affecting the media](#) for information on the Information and Communication Technology Act (ICT Act).

5.1.5 As noted by Rahul Krishna in the ORF:

'It would be unfair to attribute clamping down on free speech to the Awami League government alone, but in their second term this administration has virtually removed all protections given to the freedom of expression in the country. The chilling effect that such policy decisions will have on free speech and dissent in Bangladesh will be severe and likely irreversible in the near future. Dhaka has progressively become more brazen in attempting to stifle political dissent and protest which has faced little criticism from inside Bangladesh itself. The broad definitions of criminal activities online, powers given to the police under law and the resources that investigating authorities are being granted are enough to ensure that the administration can suppress discontent with impunity.'⁶⁴

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5.2 Internet freedom

5.2.1 The Freedom on the Net 2020 report noted:

'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

⁵⁸ RSF, ['2020 World Press Freedom Index'](#) (Bangladesh), April 2020

⁵⁹ RSF, ['2020 World Press Freedom Index'](#) (Index details), April 2020

⁶⁰ RSF, ['2020 World Press Freedom Index'](#) (Methodology), April 2020

⁶¹ RSF, ['2020 World Press Freedom Index'](#) (Index details), April 2020

⁶² RSF, ['2020 World Press Freedom Index'](#) (Methodology), April 2020

⁶³ USSD, ['HR Report 2019'](#) (section 2A), 11 March 2020

⁶⁴ ORF, ['How dissent is prosecuted in Bangladesh'](#), 5 October 2019

and deploy technical attacks.’⁶⁵ (see also [Arrests, detentions and charges under media laws](#)).

5.2.2 The USSD HR Report 2019 noted:

‘The government restricted and disrupted access to the internet and censored online content in isolated incidents. The government prohibited Virtual Private Networks and Voice over Internet Protocol telephone but rarely enforced this prohibition.

‘In several incidents the government interfered in internet communications, filtered or blocked access, restricted content, and censored websites or other communications and internet services. It suspended or closed many websites based on vague criteria, or with explicit reference to their pro-opposition content being in violation of legal requirements.’⁶⁶

5.2.3 According to the DFAT report, access to the internet was usually unrestricted, although the report added:

‘[T]he official Bangladesh Telecommunication Regulatory Commission (BTRC) has occasionally interfered with internet and mobile networks, including YouTube, Facebook, and messaging applications. The DSA has given the government significant powers to investigate information held by journalists, including their digital records and communications, including social media and closed-source communications. Journalists are reportedly now more likely to use encrypted apps such as Signal in order to communicate to circumvent the DSA’s provisions.’⁶⁷

See [Digital Security Act \(DSA\)](#) and [Censorship, self-censorship and media monitoring](#).

5.2.4 The USSD HR Report 2019 noted that the BTRC, which regulates telecommunications:

‘...carries out law enforcement and government requests to block content by ordering internet service providers to take action. The BTRC filtered internet content the government deemed harmful to national unity and religious beliefs.

‘In March the government blocked Al-Jazeera’s English news website hours after it published an article detailing the alleged involvement of a senior security and defense figure in the disappearance of three men as part of a business dispute involving his wife. Joban, a local news and discussion site that published a summary of the article in Bengali, was also inaccessible during that time. No other local or foreign outlets covered the story.

‘In the past, the country’s security services instructed the BTRC to block websites by emailing all International Internet Gateways. During the year the Department of Telecommunications and the National Telecommunication Monitoring Center launched a new system that allowed the agencies to block websites centrally without having to involve the BTRC.’⁶⁸

⁶⁵ Freedom House, ‘[Freedom on the Net 2020](#)’ (Overview), 14 October 2020

⁶⁶ USSD, ‘[HR Report 2019](#)’ (section 2A), 11 March 2020

⁶⁷ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.104), 22 August 2019

⁶⁸ USSD, ‘[HR Report 2019](#)’ (section 2A), 11 March 2020

5.3 Censorship, self-censorship and media monitoring

- 5.3.1 The USSD HR Report 2019 noted that ‘Independent journalists and media outlets alleged intelligence services influenced media outlets in part by withholding financially important government advertising and pressing private companies to withhold their advertising as well. The government penalized media that criticized it or carried messages of the political opposition’s activities and statements.’⁶⁹
- 5.3.2 The Freedom on the Net 2020 report noted ‘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.’⁷⁰ The report cited numerous sites that were blocked during the reporting period and noted ‘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.’⁷¹
- 5.3.3 As noted in the DFAT report ‘There have been numerous instances in which traditional and social media have been blocked. For example, authorities blocked 54 news websites in the weeks leading up to the December 2018 election on national security grounds, accusing the websites of spreading “anti-government propaganda and fake news”. The list of blocked websites included a number of well-credentialed news channels.’⁷²
- 5.3.4 Human Rights Watch (HRW) noted in its World Report 2020, covering 2019 events:

‘Authorities increased internet censorship. The government blocked nearly 20,000 websites in February [2019] in what was described as an “anti-pornography” sweep, but which included a number of popular blogging sites. In March [2019], the National Telecommunication Monitoring Centre blocked access to Al Jazeera’s English news website after the news agency published a report citing allegations against Prime Minister Sheikh Hasina’s security advisor.’⁷³
- 5.3.5 The DFAT report stated ‘Under the Digital Security Act 2018 (DSA...), the government can inspect and seize communications equipment, including that of bloggers. While these provisions are not necessarily aimed at bloggers who are critical of religion, it is likely that bloggers in general are less likely to express their opinions online and, if they do, they may be targeted or not offered state protection. Islamist bloggers may be similarly affected.’⁷⁴

⁶⁹ USSD, ‘[HR Report 2019](#)’ (section 2A), 11 March 2020

⁷⁰ Freedom House, ‘[Freedom on the Net 2020](#)’ (section B1), 14 October 2020

⁷¹ Freedom House, ‘[Freedom on the Net 2020](#)’ (section B1), 14 October 2020

⁷² DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.106), 22 August 2019

⁷³ HRW, ‘[World Report 2020 – Bangladesh](#)’, 14 January 2020

⁷⁴ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.40), 22 August 2019

- 5.3.6 Digital technology was reported to be used as a means of surveillance by the state although the techniques, organisation and extent to which it was used was difficult to gauge, according to a 2019 Working Paper, published by the Effective States and Inclusive Development (ESID) Research Centre, part of the University of Manchester and authored by David Jackman of the University of Oxford⁷⁵. Reports indicate that security agencies have purchased extensive surveillance hardware and software from foreign companies⁷⁶.
- 5.3.7 HRW reported that, in the lead up to the 2018 elections, the authorities monitored social media and internet-based communication⁷⁷. The USSD HR Report 2019 stated 'The government became increasingly active in monitoring social media sites and other electronic communications. The government formed a monitoring cell to "detect rumors" on social media.'⁷⁸ In March 2020, in what appeared to relate to media reporting on the coronavirus pandemic, the government formed a cell to monitor if rumours or misinformation was being spread on social media and other media platforms^{79 80}. A decision to monitor private television stations for airing rumours regarding the virus was apparently withdrawn^{81 82}.
- 5.3.8 Freedom House noted that, '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.'⁸³

See [Legal rights](#) for the laws that give authorities the power to review digital communications and [Arrest, detention and charges brought under media laws](#) for information on the media crackdown during Covid-19.

- 5.3.9 The DFAT report noted:

'In-country sources report that the threat of legal action and/or physical attack has led many Bangladeshi journalists to practise self-censorship in their reporting, particularly when covering sensitive topics. Government officials have reportedly encouraged this practice. This self-censorship was particularly evident in the lead-up to and in the period following the December 2018 election. DFAT understands that self-censorship is particularly prevalent amongst the few remaining Bangladesh-based bloggers.'⁸⁴

See [Critics of Islam](#) for information on atheist bloggers.

⁷⁵ Jackman, D., '[Dominating Dhaka](#)' (page 19), November 2019

⁷⁶ Jackman, D., '[Dominating Dhaka](#)' (page 19), November 2019

⁷⁷ HRW, '[Bangladesh: Crackdown on Social Media](#)', 19 October 2018

⁷⁸ USSD, '[HR Report 2019](#)' (section 1f), 11 March 2020

⁷⁹ Prothom Alo, '[Bangladesh govt forms cell to monitor media](#)', 26 March 2020

⁸⁰ Daily Star, '[Monitoring Media: Info ministry scraps circular amid outrage](#)', 27 March 2020

⁸¹ Daily Star, '[Monitoring Media: Info ministry scraps circular amid outrage](#)', 27 March 2020

⁸² Bdnews24, '[Information ministry cancels order on media monitoring over COVID...](#)', 26 March 2020

⁸³ Freedom House, '[Freedom on the Net 2020](#)' (section B2), 14 October 2020

⁸⁴ DFAT, '[Country Information Report Bangladesh](#)' (paragraph 3.115), 22 August 2019

5.3.10 The USSD HR Report 2019 indicated that:

‘Political polarization and self-censorship remained a problem. Investigative journalists often complained of their management and editors “killing” reports for fear of pressure from the government and its intelligence agencies. Some journalists reportedly received threats after publishing their stories.

‘According to some journalists and human rights NGOs, journalists engaged in self-censorship due to fear of security force retribution and the possibility of being charged with politically motivated cases. Although public criticism of the government was common and vocal, some media figures expressed fear of harassment by the government.’⁸⁵

See also [Harassment and violence](#).

5.3.11 Freedom House also said ‘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.’⁸⁶

5.3.12 HRW noted in its World Report 2020, covering events in 2019, that ‘Journalists faced pressure to self-censor or risk arrest.’⁸⁷ The same source reported in a separate article in January 2020 that ‘One newspaper editor told Human Rights Watch that he currently publishes only “10 to 20 percent” of the news at his disposal. Another newspaper editor estimated that about 50 percent of content is self-censored.’⁸⁸

5.3.13 In its review of Bangladesh in 2020, RSF noted ‘[S]elf-censorship has reached unprecedented levels because editors are reluctant to risk imprisonment or their media outlet’s closure.’⁸⁹ Freedom House reported similar acts of self-censorship by online journalists and social media commentators when reporting on political and religious topics in Bangladesh and that ‘A series of fatal physical attacks on bloggers in recent years ... coupled with an increase in criminal charges against online journalists and other internet users under the DSA and the ICT Act ... have exacerbated online self-censorship.’⁹⁰

5.3.14 South Asia Monitor reported in October 2020 that government guidance had been issued to teachers and government employees on the use of social media, asking them to refrain from uploading, sharing or commenting on posts that might ‘tarnish the image of the government or the state’⁹¹. The Human Rights NGO, Odhikar reported on the sacking of 2 university lecturers in September 2020 for insulting the president⁹².

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⁸⁵ USSD, ‘[HR Report 2019](#)’ (section 2A), 11 March 2020

⁸⁶ Freedom House, ‘[Freedom on the Net 2020](#)’ (section B2), 14 October 2020

⁸⁷ HRW, ‘[World Report 2020 – Bangladesh](#)’, 14 January 2020

⁸⁸ HRW, ‘[Bangladesh: Online Surveillance, Control](#)’, 8 January 2020

⁸⁹ RSF, ‘[Bangladesh – Tougher politics, more press freedom violations](#)’, 2020

⁹⁰ Freedom House, ‘[Freedom on the Net 2020](#)’ (section B4), 14 October 2020

⁹¹ South Asia Monitor, ‘[Bangladesh issues new guidelines for teachers on social...](#)’, 9 October 2020

⁹² Odhikar, ‘[Three-month Human Rights Monitoring Report...](#)’ (pages 19-20), 9 October 2020

5.4 Arrest, detention and charges brought under media laws

- 5.4.1 The DFAT report stated, ‘Defamation charges are commonly brought against journalists and others who criticise the government.’⁹³ The same source added ‘Sedition laws can also be applied broadly, and penalties range from fines to life in prison or even the death penalty if the accused is found to have undermined the Constitution.’⁹⁴ Similarly Freedom House noted that ‘Online activists, journalists, and other users regularly face civil and criminal penalties for online expression. ... During the COVID-19 pandemic, arrests for online speech alarmingly increased.’⁹⁵
- 5.4.2 There have been hundreds of arrests under the ICT Act and DSA although the exact number in any given time varies from source to source.
- 5.4.3 The USSD HR Report 2019 noted that:
‘Libel, slander, defamation, and blasphemy are treated as criminal offenses, most commonly employed against individuals speaking against the government, the prime minister, or other government officials. The DSA provides for sentences of up to 10 years’ imprisonment for spreading “propaganda” against the Bangladesh Liberation War, the national anthem, or the national flag. As of July [2019] a total of 420 petitions requesting an investigation had been filed under the act with more than 80 individuals arrested.’⁹⁶ (see also [Critics of Islam](#)).
- 5.4.4 Amnesty International reported on 8 October 2020 that:
‘Nearly 2000 cases have been filed under the DSA since its enactment on 8 October 2018, according to data from the Bangladeshi government’s Cyber Crime Tribunal. This includes more than 800 cases filed in the first nine months of 2020 alone, with many of the country’s most prominent editors and senior journalists being increasingly targeted... In 2020, at least 10 editors of national and regional dailies and online news platforms have faced legal charges under the DSA, following critical reporting on leaders of the ruling Awami League party.’⁹⁷
- 5.4.5 According to data collected by the human rights NGO, Odhikar, in 2019, 42 people were arrested under the DSA and 6 under the ICT Act⁹⁸.
- 5.4.6 Reporting on the number of arrests in 2019 into 2020, Prothom Alo, a major daily newspaper, noted in September 2020 that according to police data, ‘A total of 1,135 people were arrested in 732 cases filed under the DSA across the country in the last year... In the first two months of 2020, another 339 people were arrested in 165 cases filed under the act...’⁹⁹
- 5.4.7 According to data collated by Odhikar, between January and September 2020, a total of 111 people, including ordinary citizens, teachers and imams,

⁹³ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.107), 22 August 2019

⁹⁴ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.107), 22 August 2019

⁹⁵ Freedom House, ‘[Freedom on the Net 2020](#)’ (sections C2 and C3), 14 October 2020

⁹⁶ USSD, ‘[HR Report 2019](#)’ (section 2A), 11 March 2020

⁹⁷ Amnesty International, ‘[Bangladesh: Escalating attacks on the media must stop](#)’, 8 October 2020

⁹⁸ Odhikar, ‘[Annual Human Rights Report 2019 Bangladesh](#)’ (pages 39-40), 8 February 2020

⁹⁹ Prothom Alo, ‘[Digital Security Act: Over 1000 cases filed in two years](#)’, 19 September 2020

were arrested under the DSA, for criticising individuals or leaders of the government and the ruling party^{100 101 102}. Freedom House recorded that 'During the first six months of 2020, authorities recorded 113 cases impacting a total of 208 people, including 53 journalists. 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. Such numbers are a significant increase from 63 cases in 2019 and 34 in 2018, when the act came into force.'¹⁰³ Odhikar also reported that, whilst working in a professional capacity, 5 journalists were arrested during the same period and 55 were prosecuted under the DSA^{104 105 106}.

5.4.8 DFAT noted some prominent cases in recent years:

'There have been a number of legal cases against individual journalists in recent years, notably against those at mainstream outlets:

- 'In February 2016, the editor of the Daily Star was served with 67 defamation and 16 sedition lawsuits, mostly lodged by AL members, after he admitted to publishing unsubstantiated information about the Prime Minister. The lawsuits were lodged in districts nationwide, thus requiring the editor to spend weeks travelling across the country to make bail applications. While the High Court dismissed two of the cases, the remainder are unresolved and could be reactivated at any time.
- 'In August 2018, a prominent photojournalist was arrested under the provisions of the DSA for making "false" and "provocative" statements on Al-Jazeera and on Facebook about the Road Safety Protests...
- 'Authorities charged a reporter for the Dhaka Tribune newspaper and the Bangla Tribune news website with offences under the DSA for calling the legitimacy of the December 2018 election into question by pointing out irregularities in the vote count. Another journalist who reported the same irregularity went into hiding after the same charge was brought against him. If convicted, the two journalists face up to 14 years' imprisonment.'¹⁰⁷

5.4.9 The photojournalist, Shahidul Alam, cited above, said he was beaten and tortured whilst in police custody¹⁰⁸. He was released on bail in November 2018, after spending more than 100 days in jail¹⁰⁹.

5.4.10 In January 2019, the Committee to Protect Journalists (CPJ) reported on the arrest of journalist Hedait Hossain Molla after he was accused of violating the DSA after reporting that the number of votes cast from a constituency in

¹⁰⁰ Odhikar, '[Three-month Human Rights Monitoring Report...](#)' (page 30, para 61), 1 May 2020

¹⁰¹ Odhikar, '[Three-month Human Rights Monitoring Report...](#)' (page 10, para 4), 6 July 2020

¹⁰² Odhikar, '[Three-month Human Rights Monitoring Report...](#)' (page 21, para 30), 9 October 2020

¹⁰³ Freedom House, '[Freedom on the Net 2020](#)' (section C3), 14 October 2020

¹⁰⁴ Odhikar, '[Three-month Human Rights Monitoring Report...](#)' (page 31, para 68), 1 May 2020

¹⁰⁵ Odhikar, '[Three-month Human Rights Monitoring Report...](#)' (page 15, para 16), 6 July 2020

¹⁰⁶ Odhikar, '[Three-month Human Rights Monitoring Report...](#)' (page 22, para 35), 9 October 2020

¹⁰⁷ DFAT, '[Country Information Report Bangladesh](#)' (paragraphs 3.108, 3.111), 22 August 2019

¹⁰⁸ CPJ, '[Shahidul Alam, Bangladesh](#)', 2020

¹⁰⁹ Al Jazeera, '[Photographer Shahidul Alam released on bail from Bangladesh...](#)', 20 November 2018

Khulna district was higher than the number of voters¹¹⁰. Although the figure was later corrected by election officials, Molla was arrested for reporting ‘false information’ as the story was already published¹¹¹. According to the USSD HR Report 2019, ‘Although Molla was released on bail, he was obliged to appear regularly before the court, since the case remained active.’¹¹² (see also [Court cases and convictions](#)).

- 5.4.11 The DFAT report noted ‘In March 2019, authorities arrested a senior Bangladeshi member of football’s world governing body after she said on a televised talk show that the Prime Minister was neglecting football.’¹¹³ The FIFA official, Mahfuza Akhter Kiron, who was accused of making derogatory remarks against the Prime Minister, was granted bail on medical grounds¹¹⁴ but, according to the USSD HR Report 2019, ‘the charges against her were not dropped.’¹¹⁵
- 5.4.12 Deutsche Welle (DW) reported on Bangladeshi journalist, Shafiqul Islam Kajol, who disappeared in March 2020 the day after being charged under the DSA for making defamatory comments against an Awami League MP¹¹⁶. Nearly 2 months after his disappearance Kajol was ‘found’ in a field with his arms and legs bound and taken into custody¹¹⁷. Civil society groups believe Kajol was a victim of enforced disappearance by the security forces and, in August 2020, called for his immediate release¹¹⁸. As at October 2020, Kajol remained in pre-trial detention¹¹⁹.

- 5.4.13 Article 19 voiced alarm at the government’s crackdown on freedom of expression since the start of the coronavirus pandemic. It reported on 19 May 2020:

‘Since the coronavirus pandemic hit Bangladesh, there has been a surge in arrests of journalists, activists and others who criticised the Bangladesh Government for its lack of preparedness and poor response to the pandemic. Since the start of the pandemic, 16 journalists have been arrested.

‘Many have been charged under the 2018 Digital Security Act. It is becoming increasingly difficult for journalists and bloggers to report about the crisis. As well as the arrests outlined below, in April, journalists’ movements were restricted to allegedly stop the spread of coronavirus.

‘On 6 May, 11 people – including a cartoonist, two journalists and a writer – were charged under the Digital Security Act with “spreading rumours and carrying out anti-government activities”. They were alleged to have posted about, “the coronavirus pandemic to negatively affect the nation’s image and

¹¹⁰ CPJ, [‘Journalist arrested, others beaten during Bangladesh elections’](#), 2 January 2019

¹¹¹ CPJ, [‘Journalist arrested, others beaten during Bangladesh elections’](#), 2 January 2019

¹¹² USSD, [‘HR Report 2019’](#) (section 2A), 11 March 2020

¹¹³ DFAT, [‘Country Information Report Bangladesh’](#) (paragraph 3.107), 22 August 2019

¹¹⁴ Dhaka Tribune, [‘Fifa council member Kiron gets bail’](#), 19 March 2019

¹¹⁵ USSD, [‘HR Report 2019’](#) (section 2A), 11 March 2020

¹¹⁶ DW, [‘Press freedom: What happened to missing Bangladeshi journalist Shafiqul...?’](#), 21 April 2020

¹¹⁷ HRW, [‘Bangladesh: Joint Call for the Release of Journalist Shafiqul Islam Kajol’](#), 11 August 2020

¹¹⁸ HRW, [‘Bangladesh: Joint Call for the Release of Journalist Shafiqul Islam Kajol’](#), 11 August 2020

¹¹⁹ Dhaka Tribune, [‘Clooney Foundation for Justice: Release journo Kajol’](#), 17 October 2020

to create confusion among the public through the social media and cause the law and order situation to deteriorate". Four were remanded in prison; the others are bloggers and journalists who live outside Bangladesh.¹²⁰

- 5.4.14 Freedom House similarly noted that '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.'¹²¹
- 5.4.15 The CPJ also cited numerous cases of journalists arrested under the DSA, relating to charges for reporting on alleged government misappropriation of food aid during the coronavirus pandemic or for publishing so-called false reports on political officials¹²². CPJ noted 'Between March 10, 2020, and May 21, 2020, authorities detained at least six journalists in Bangladesh and opened investigations into at least nine more under the country's Digital Security Act, according to news reports and CPJ interviews with journalists.'¹²³
- 5.4.16 Reporting on 3 July 2020, Article 19 stated its concern at the arrest of a 15-year-old boy, for allegedly insulting the Prime Minister on Facebook, and of 2 university teachers, who were arrested for criticising the previous health minister's mismanagement of the health care system and the subsequent negative effect on the care of coronavirus patients¹²⁴.
- 5.4.17 In March 2020, CPJ reported on Dhaka Tribune journalist, Ariful Islam, who was arrested by men in paramilitary uniform for alleged drug offences, which Ariful claimed were planted in his home¹²⁵. The men assaulted the journalist and broke his arm and it was reported he was stripped, blindfolded and tortured whilst in police custody^{126 127}. That night he was sentenced to prison by a mobile court though was later released on bail by another court¹²⁸. Ariful had reported on corruption among local officials¹²⁹. The government launched a departmental case against 4 officials for their alleged involvement¹³⁰.
- 5.4.18 Amnesty International reported the case of Ashraf Uddin Mahdi, a student and online activist, who was disappeared by unknown men in Dhaka in August 2020. Mahdi told the NGO that he was released by his abductors after 48 hours on the condition that he cease posting critical commentary on social media about people connected to the government¹³¹.

¹²⁰ Article 19, '[Bangladesh: Alarming crackdown on freedom of expression...](#)', 19 May 2020

¹²¹ Freedom House, '[Freedom on the Net 2020](#)' (section C3), 14 October 2020

¹²² CPJ, '[Bangladeshi journalists face physical attacks, legal cases, and detention...](#)', 23 July 2020

¹²³ CPJ, '[Bangladeshi journalists face physical attacks, legal cases, and detention...](#)', 23 July 2020

¹²⁴ Article 19, '[Bangladesh: Increase in charges under DSA as government...](#)', 3 July 2020

¹²⁵ CPJ, '[Journalist Ariful Islam freed after arrest, beating, and conviction in...](#)', 25 March 2020

¹²⁶ CPJ, '[Journalist Ariful Islam freed after arrest, beating, and conviction in...](#)', 25 March 2020

¹²⁷ Dhaka Tribune, '[Dhaka Tribune journalist latest victim of custodial torture...](#)', 14 March 2020

¹²⁸ CPJ, '[Journalist Ariful Islam freed after arrest, beating, and conviction in...](#)', 25 March 2020

¹²⁹ CPJ, '[Journalist Ariful Islam freed after arrest, beating, and conviction in...](#)', 25 March 2020

¹³⁰ Dhaka Tribune, '[Dhaka Tribune journalist latest victim of custodial torture...](#)', 14 March 2020

¹³¹ Amnesty International, '[Bangladesh: Rising attacks on freedom of expression...](#)', 11 August 2020

- 5.4.19 On 7 September 2020, RSF reported on the arbitrary detention of a journalist in Cox's Bazar in the southeast of Bangladesh¹³². According to RSF, Faridul Mostafa was held for nearly a year after reporting on local government corruption¹³³. The Officer in Charge (OC), who was the subject of Mostafa's report, accused him of extortion¹³⁴. In fear of his life, Mostafa fled to Dhaka but was located by the OC via his mobile phone signal and, in September 2019, was brought back to Cox's Bazar by whom the RSF described as the OC's 'thugs'¹³⁵. Even after a high court ordered his release in August 2020, charges against him remained for the illegal possession of drugs, alcohol and firearms, which were reportedly planted in his home during a police raid¹³⁶. Mostafa also claimed he was tortured whilst in police custody¹³⁷.

See also [Legal rights](#).

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5.5 Court cases and convictions

- 5.5.1 In September 2017 the Dhaka Tribune reported on conviction rates under Section 57 of the now defunct ICT Act, noting 'Md Nazrul Islam Shamim, special public prosecutor of Cyber Tribunal, told the Dhaka Tribune that 65-70% of the cases filed under Section 57 cannot be proven at the court. "Some cases are totally fabricated and are filed to harass people. Most of these cases are settled out of court," he said.'¹³⁸
- 5.5.2 Also referring to convictions under the ICT Act, Human Rights Watch (HRW) said in May 2018 'While the Cyber Tribunal provides no official data on the number of convictions and acquittals, anecdotal evidence suggests few people have been convicted to date.'¹³⁹
- 5.5.3 Prothom Alo reported in September 2020 on the steady increase of cases referred to the cyber tribunal since 2013, of which over half of the total number were filed under the ICT Act¹⁴⁰. The report noted 'In 2013, three cases were sent to the cyber tribunal. In 2014 this was 33, in the next year 152, in 2016 it was 233. In 2017, the number was more than double, 568. In 2018, the number was 676, in 2019, it was 721. As of 9 September [2020], the number of suits referred to cyber tribunal is 296. A total of 2,682 suits were sent, filed under ICT Act and DSA, to Dhaka cyber tribunal for trial in seven years.'¹⁴¹
- 5.5.4 In July 2020, Article 19 highlighted the number of cases it had recorded as filed under defamation laws over the past 2 years, noting:

¹³² RSF, '[Bangladeshi journalist tortured by police, held for nearly a year](#)', 7 September 2020

¹³³ RSF, '[Bangladeshi journalist tortured by police, held for nearly a year](#)', 7 September 2020

¹³⁴ RSF, '[Bangladeshi journalist tortured by police, held for nearly a year](#)', 7 September 2020

¹³⁵ RSF, '[Bangladeshi journalist tortured by police, held for nearly a year](#)', 7 September 2020

¹³⁶ RSF, '[Bangladeshi journalist tortured by police, held for nearly a year](#)', 7 September 2020

¹³⁷ RSF, '[Bangladeshi journalist tortured by police, held for nearly a year](#)', 7 September 2020

¹³⁸ Dhaka Tribune, '[Two-thirds of cases filed under Sec 57 do not see the light...](#)', 22 September 2017

¹³⁹ HRW, '[Bangladesh: Protect Freedom of Expression](#)', 9 May 2018

¹⁴⁰ Prothom Alo, '[Digital Security Act: Over 1000 cases filed in two years](#)', 19 September 2020

¹⁴¹ Prothom Alo, '[Digital Security Act: Over 1000 cases filed in two years](#)', 19 September 2020

'In 2018 ... a total of 71 cases filed against practitioners of freedom of expression including journalists under the then section 57 of the ICT act and then newly enacted DSA which came into effect in October of the year. In 2019, the number of recorded cases initiated under DSA was 63. However, in the first six months of [2020], 113 cases have been recorded of this kind. A total of 208 people have been accused in these cases due to mere expression of opinion, of whom 53 are journalists. Of the accused, 114 were arrested immediately, most of whom are still awaiting bail.'¹⁴²

- 5.5.5 Whilst a large number of cases were filed, Prothom Alo noted in September 2020 that, according to sources, most lacked credibility:

'Around 990 cases have been settled at the Dhaka cyber tribunal in the last seven years. Among them, over 450 were settled just by accepting the final report. Besides, accused are getting discharged for lack of evidence to frame charges against them. The state could prove the allegations only in 25 cases, court records reveal. Among them, 24 were filed under the ICT Act while one under the DSA.

'Cyber tribunal public prosecutor (PP) Nazrul Islam told Prothom Alo, "The number of cases filed under the Digital Security Act has increased a lot. Many people come to file suits with no substance or evidence. There are many who just file suits for nothing".'¹⁴³

- 5.5.6 According to Prothom Alo, a Supreme Court lawyer considered that the DSA was being used as a 'tool to harass people'¹⁴⁴. Prothom Alo noted that 'According to the cyber tribunal sources, 468 Complaint Register (CR) cases [a complaint against the case being brought] were filed under the Digital Security Act with the tribunal alone in 2019. In the first eight months of 2020, the number of such suits is 220. In those 20 months, the court dismissed 329 [DSA] cases for lack of substances [sic]'.¹⁴⁵
- 5.5.7 The International Federation of Journalists (IFJ) referred to the past murders of some journalists and indicated that investigations and trials can go on for years or remain unresolved, whilst adding that some accused persons were sentenced or had their verdicts upheld during the period under review (May 2019-April 2020)¹⁴⁶.

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5.6 Harassment and violence

- 5.6.1 The Freedom House Freedom on the Net 2020 report noted '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.'¹⁴⁷ The Freedom in the World 2020 report said 'A climate of impunity for attacks on media workers remains the norm...'¹⁴⁸

¹⁴² Article 19, '[Bangladesh: Increase in charges under DSA as government...](#)', 3 July 2020

¹⁴³ Prothom Alo, '[Digital Security Act: Over 1000 cases filed in two years](#)', 19 September 2020

¹⁴⁴ Prothom Alo, '[Digital Security Act: Over 1000 cases filed in two years](#)', 19 September 2020

¹⁴⁵ Prothom Alo, '[Digital Security Act: Over 1000 cases filed in two years](#)', 19 September 2020

¹⁴⁶ IFJ, '[States of Control: South Asia Press Freedom Report 2019-20](#)' (page 27), 3 May 2020

¹⁴⁷ Freedom House, '[Freedom on the Net 2020](#)' (section C7), 14 October 2020

¹⁴⁸ Freedom House, '[Freedom in the World 2020](#)' (section D1), 4 March 2020

5.6.2 The USSD HR Report 2019 noted that:

‘Authorities, including intelligence services on some occasions, and student affiliates of the ruling party, subjected journalists to physical attack, harassment, and intimidation, especially when tied to the DSA. ... Individuals faced a threat of being arrested, held in pretrial detention, subjected to expensive criminal trials, fines, and imprisonment, as well as social stigma associated with having a criminal record.’¹⁴⁹

5.6.3 The DFAT report stated:

‘Local sources report that journalists face a continuing risk of threats and retaliatory violence from a range of actors in relation to their reporting, including criminal organisations, party activists, business owners, figures associated with the intelligence services, police and military, and Islamist militants. Some of these attacks have proved fatal. In February 2017, an [Awami League] AL official fatally shot a journalist who was covering clashes between rival AL factions in the northwestern district of Sirajganj. In November 2017, a university professor (and former journalist) disappeared in Dhaka. The professor was the founder of an interactive online platform promoting democracy, pluralism and multiculturalism in Bangladesh. There is a general environment of impunity for threats and attacks against journalists, with most attacks going unprosecuted.’¹⁵⁰

5.6.4 The same source cited incidents of violence against journalists attempting to cover the December 2018 election campaign, including:

- ‘an attack in a hotel in Nawaganj on 25 December by masked men using batons and hockey sticks on a group of journalists who had been covering an election rally;
- ‘the beating of a Daily Star journalist who had taken photographs outside a Dhaka polling booth on election day by five men wearing AL badges;
- ‘the beating of a Cvoice24 journalist who attempted to enter a polling centre in Chattogram on election day; and
- ‘an attack by several men on a journalist with a Bengali language newspaper who was trying to film near a polling site in Dhaka, resulting in the journalist’s hospitalisation.’¹⁵¹

5.6.5 Referring to the local Dhaka elections in 2020, the International Federation of Journalists (IFJ) reported:

‘Several journalists were attacked, threatened, or had equipment snatched while covering elections in two city corporations in capital Dhaka on February 1, 2020... Activists and supporters of the ruling Awami League guarded most of the polling stations and booths and also threatened and attacked journalists in many places. It appeared almost as though police

¹⁴⁹ USSD, ‘[HR Report 2019](#)’ (section 2A), 11 March 2020

¹⁵⁰ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.112), 22 August 2019

¹⁵¹ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.114), 22 August 2019

were assigned to help protect the ruling party cadre. Even though journalists were attacked in the presence of the police, no one was arrested.’¹⁵²

- 5.6.6 DFAT also stated it was ‘... aware of allegations of female journalists reporting on the August 2018 Road Safety Movement being attacked by unknown perpetrators, variously described as “thugs” or government agents.’¹⁵³
- 5.6.7 According to Odhikar, ‘In 2019, 45 journalists were injured, five were assaulted, five were attacked, 12 were threatened, four were arrested and 33 were sued while carrying their professional duty.’¹⁵⁴ Although Odhikar provided additional details of some incidents, it was not clear what constituted an injury; how it differentiated between an assault or attack (and whether those recorded as injured were victims of the recorded attacks or assaults); or what was classed as a threat.
- 5.6.8 Freedom House reported on the murder of a student in October 2019 by the Awami League’s student wing, Chhatra League, reportedly for criticising the government on Facebook¹⁵⁵.
- 5.6.9 According to CPJ data, as at 9 November 2020, 22 journalists had been killed in Bangladesh since 1992, 20 of whom were murdered (the other 2 were killed during dangerous assignments)¹⁵⁶. IFJ stated ‘Since 1991, there have been at least 32 killings of journalists, bloggers and freethinkers in Bangladesh.’¹⁵⁷ There were 6 murders between 2015 and October 2020, 5 of which occurred in 2015 alone¹⁵⁸.
- 5.6.10 The IFJ noted that ‘Local human rights organisation Ain O Salish Kendra recorded a total of 140 cases of harassment against journalists in the ten months from May 2019 to February 2020. Many of the incidents of torture, harassment and threat were committed by ruling party members and law enforcement agencies. The rights body also recorded 18 cases of death threats by government officials, drug dealers, terrorists and anonymous persons over the phone.’¹⁵⁹
- 5.6.11 Whilst not providing further details, according to RSF’s count as at 13 October 2020, at least 16 journalists had been the victims of ‘serious violence’ in Bangladesh since the start of 2020¹⁶⁰.
- 5.6.12 RSF documented an attack on a local journalist, for reporting on alleged corrupt practices by a village council chairman, in July 2020:
- ‘A reporter for the local Daily Samakal newspaper, Shariful Alam Chowdhury was nearly killed by the ten thugs who arrived at his home in Muradnagar, on the outskirts of Cumilla, 100 km east of Dhaka, at around midday on 4 July.

¹⁵² IFJ, ‘[States of Control: South Asia Press Freedom Report 2019-20](#)’ (page 29), 3 May 2020

¹⁵³ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.114), 22 August 2019

¹⁵⁴ Odhikar, ‘[Annual Human Rights Report 2019 Bangladesh](#)’ (pages 39-40), 8 February 2020

¹⁵⁵ Freedom House, ‘[Freedom on the Net 2020](#)’ (section C7), 14 October 2020

¹⁵⁶ CPJ, ‘[22 Journalists Killed in Bangladesh](#)’ between 1992 and 2020, as at 9 November 2020

¹⁵⁷ IFJ, ‘[States of Control: South Asia Press Freedom Report 2019-20](#)’ (page 27), 3 May 2020

¹⁵⁸ CPJ, ‘[7 Journalists Killed in Bangladesh](#)’ between 2015 and 2020, as at 9 November 2020

¹⁵⁹ IFJ, ‘[States of Control: South Asia Press Freedom Report 2019-20](#)’ (page 26), 3 May 2020

¹⁶⁰ RSF, ‘[Bangladeshi reporter slain by local gangsters in Dhaka suburb](#)’, 13 October 2020

'They dragged him outside and proceeded to beat him with steel bars, machetes and hammers. At least seven of them took care to ensure that both of his arms and legs were broken in several places. After they left, he was taken to a hospital in the city of Cumilla where his condition has not yet stabilized. Chowdhury's parents and sister also sustained several injuries when they tried to intervene during the beating. When contacted by RSF, his father said the beating was clearly carried out at the behest of Shahjahan Mial, the chairman of the "union parishad" (village council) in the village of Darera.'¹⁶¹

- 5.6.13 A murder took place on 11 October 2020 when, according to CPJ, Iliyas Hossain, a correspondent for the Bangla daily, Dainik Bijoy, was stabbed to death after reporting on the illegal connection of gas lines¹⁶². Reporting on the same incident, RSF said Hossain was reporting on the criminal activities of local gangs in relation to drug dealing and illegal gas supplies¹⁶³. According to CPJ, Police arrested 3 suspects and 1 confessed to the murder¹⁶⁴.
- 5.6.14 During the period from January to September 2020, Odhikar noted that 56 journalists were injured whilst working in a professional capacity, 27 were assaulted, 16 were attacked and 11 were threatened^{165 166 167}. Although Odhikar provided additional details of some incidents, it was not clear what constituted an injury; how it differentiated between an assault or attack (and whether those recorded as injured were victims of the recorded attacks or assaults); or what was classed as a threat.
- 5.6.15 The CPJ also reported on attacks against journalists during 2020 by members and supporters of the ruling Awami League after reporters attempted to cover the misallocation or embezzlement of government food aid in various districts¹⁶⁸. There was also a report of an attack on a journalist, in April 2020, by employees of the Department of Narcotics Control when a correspondent tried to film a gathering that was in violation of the lockdown in relation to the selling of locally-brewed alcohol at the Department's offices¹⁶⁹. Again in April 2020, a journalist was reportedly assaulted by police at a police check point though no reason was given¹⁷⁰. In August 2020, a student was attacked by Chhatra League members after he was accused of 'anti-government activities' on social media¹⁷¹. He was hospitalised in a critical condition¹⁷².

For more information on the Chhatra League, see the Country Policy and Information Note on [Bangladesh: Political parties and affiliation](#).

¹⁶¹ RSF, '[Bangladeshi reporter beaten nearly to death after covering local corruption](#)', 6 July 2020

¹⁶² CPJ, '[Iliyas Hossain](#)', 11 October 2020

¹⁶³ RSF, '[Bangladeshi reporter slain by local gangsters in Dhaka suburb](#)', 13 October 2020

¹⁶⁴ CPJ, '[Iliyas Hossain](#)', 11 October 2020

¹⁶⁵ Odhikar, '[Three-month Human Rights Monitoring Report...](#)' (page 31, para 68), 1 May 2020

¹⁶⁶ Odhikar, '[Three-month Human Rights Monitoring Report...](#)' (page 15, para 16), 6 July 2020

¹⁶⁷ Odhikar, '[Three-month Human Rights Monitoring Report...](#)' (page 22, para 35), 9 October 2020

¹⁶⁸ CPJ, '[Bangladeshi journalists face physical attacks, legal cases, and detention...](#)', 23 July 2020

¹⁶⁹ CPJ, '[Bangladeshi journalists face physical attacks, legal cases, and detention...](#)', 23 July 2020

¹⁷⁰ CPJ, '[Bangladeshi journalists face physical attacks, legal cases, and detention...](#)', 23 July 2020

¹⁷¹ Freedom House, '[Freedom on the Net 2020](#)' (section C7), 14 October 2020

¹⁷² Freedom House, '[Freedom on the Net 2020](#)' (section C7), 14 October 2020

6. Critics of Islam

6.1 Threats from Islamic extremists

- 6.1.1 In March 2013 a ‘hit list’ of 84 bloggers and activists was reportedly given to the government by Islamic group, Hefazat-e-Islam, whom it wanted prosecuted and executed for making derogatory statements about Islam¹⁷³. Hefazat denied any association with the list¹⁷⁴. The list apparently contained the names of bloggers who were murdered between 2013 and 2016^{175 176}, the deaths of whom were mostly attributed to the banned militant group, Ansarullah Bangla Team^{177 178} (later renamed Ansarul Islam and commonly referred to as Ansar¹⁷⁹).
- 6.1.2 In May 2015, Site Intelligence Group, a counterterrorism NGO specialising in tracking and analysing extremist online activity, reported on an online statement published by Ansar, which ‘listed seven categories of potential targets for killing, including any male or female academic, actor, blogger, doctor, engineer, judge, politician, or writer who insults the Prophet Muhammad and distorts Islam and its rulings.’¹⁸⁰ The statement highlighted that it did not have a problem with atheists bloggers, atheism or other religions, but only against those who insulted Muhammad “in the name of atheism”.¹⁸¹
- 6.1.3 In September 2015 it was reported by Voice of America (VoA) that a list of 20 bloggers, writers and activists was issued by Ansar (Ansarullah Bangla Team)¹⁸². The list named persons described by Ansar as ‘enemies of Islam’ and included ‘Bangladeshi citizens who have since moved to Britain, Germany, the United States, Canada and Sweden...’¹⁸³ In November 2015, the Dhaka Tribune reported on a list of 34 ‘targets’ uploaded on the internet, allegedly by Ansar, who called for the death of ‘anti-Islamist’ activists, bloggers and intellectuals, some of whom lived abroad¹⁸⁴.
- 6.1.4 No recent information relating to lists targeting bloggers could be found by CPIT among the sources consulted (see [Bibliography](#)).
- See also [Blogging from abroad](#).

¹⁷³ Prothom Alo, ‘[Hefazat has no list of bloggers](#)’, 25 May 2015

¹⁷⁴ Prothom Alo, ‘[Hefazat has no list of bloggers](#)’, 25 May 2015

¹⁷⁵ VoA, ‘[Bangladesh Secular Bloggers Defiant Despite New Threats](#)’, 28 September 2015

¹⁷⁶ Amnesty International, ‘[Bangladeshi authorities must act after brutal killing of ...](#)’, 7 April 2016

¹⁷⁷ VoA, ‘[Bangladesh Secular Bloggers Defiant Despite New Threats](#)’, 28 September 2015

¹⁷⁸ ICG, ‘[Countering Jihadist Militancy in Bangladesh](#)’ (page 7), 28 February 2018

¹⁷⁹ ICG, ‘[Countering Jihadist Militancy in Bangladesh](#)’ (pages 1 and 6), 28 February 2018

¹⁸⁰ Site, ‘[“Ansar al-Islam Bangladesh” Lists Categories of Potential Targets for Killing](#)’, 29 May 2015

¹⁸¹ Site, ‘[“Ansar al-Islam Bangladesh” Lists Categories of Potential Targets for Killing](#)’, 29 May 2015

¹⁸² VoA, ‘[Bangladesh Secular Bloggers Defiant Despite New Threats](#)’, 28 September 2015

¹⁸³ VoA, ‘[Bangladesh Secular Bloggers Defiant Despite New Threats](#)’, 28 September 2015

¹⁸⁴ Dhaka Tribune, ‘[New hit list targets 34 secular individuals](#)’, 10 November 2015

6.1.5 DFAT noted in its August 2019 report:

'Islamist organisations have consistently used the pejorative label "atheist" against individuals who have publicly criticised Islamic fundamentalism or who have questioned the role of Islam in the state, including those advocating for secular values. The government has periodically used the blasphemy laws against such individuals, often following complaints from Islamist organisations. Such activities peaked in 2013-14, when there were a number of high-profile arrests and prosecutions. In December 2017, immigration authorities detained a blogger at Dhaka airport who had reportedly criticised Islam in his social media posts, leading to protests by hundreds. Authorities reportedly charged the blogger under the ICT Act ..., a year after the head of an Islamic seminary had filed a case against him. The current status of his case is unclear [This incident relates to the case of blogger, Asad Noor, referenced below].

'In addition to official sanction, individuals who have publicly criticised Islamic fundamentalism or have criticised the role of Islam in the state have faced significant societal pressure in the form of threats and violence from Islamist militant organisations. Militants committed a number of high profile murders of alleged "atheists" in 2013-16, focusing in particular on bloggers whose writings were deemed to be "un-Islamic". While there have been arrests and successful prosecutions in some of these cases, others remain unsolved...'185

6.1.6 Advox, a global anti-censorship network of bloggers and activists dedicated to protecting freedom of expression online, reported in November 2018, 'Ten Bangladeshis have been killed since November 2014 for their progressive and secular views.'186

6.1.7 Freedom House referred to the murders of bloggers between 2013 and 2016, noting:

'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, 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. Many bloggers have left the country or sought asylum abroad. Others expressed their determination to continue writing. Little progress has been made in the investigations of the bloggers murdered.'187

6.1.8 In June 2018, al-Qaida in the Indian Subcontinent (AQIS) were suspected of murdering Shajahan Bachchu, a secularist writer and political activist188. On the first anniversary of his death, the Dhaka Tribune reported Bachchu was killed by Jama'atul Mujahideen Bangladesh (JMB) militants. Police said 3 of the 4 JMB members accused of Bachchu's murder were killed in a police

185 DFAT, '[Country Information Report Bangladesh](#)' (paragraphs 3.37-3.38), 22 August 2019

186 Advox, '[Bloggers Under Fire: The Fatal Consequences of Free Thinking...](#)', 12 November 2018

187 Freedom House, '[Freedom on the Net 2020](#)' (section C7), 14 October 2020

188 USSD, '[Country Reports on Terrorism 2018 – Bangladesh](#)', 1 November 2019

gunfight in September 2018¹⁸⁹. A proscribed group, the JMB aims to establish Islamic law in Bangladesh¹⁹⁰.

- 6.1.9 According to the DFAT report, 'In April 2019, a militant group made an online appeal for "lone wolf" attacks on a wide range of targets within Bangladesh (and India), including local and foreign media outlets, foreign security personnel, international NGOs, religious minorities, atheists and "known secular thinkers". DFAT is not aware of any attacks that have taken place in connection with the appeal.'¹⁹¹
- 6.1.10 Freedom House reported:
- '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.'¹⁹²
- 6.1.11 In July 2020, RSF reported on a blogger, Asad Noor, who had been living in hiding for 6 years because of threats from Islamist groups due to his criticism of Islam¹⁹³. Noor continued to blog and, after he posted an online defence of a Buddhist monk and a pro-LGBT educational platform on 13 July 2020, police sought Noor's arrest under the DSA, accusing him of spreading rumours and insulting Islam on Facebook and other digital platforms¹⁹⁴. RSF added that a government ally said, 'Noor and the monk should be hanged [and]... encouraged Islamists to take to the street in Chittagong on 17 July [2020] to demand their arrest.'¹⁹⁵
- 6.1.12 Noor has been living in India in exile since February 2019¹⁹⁶. According to Amnesty International, members of Noor's family faced police harassment and intimidation and, in July 2020, following a police raid on his parent's house, his father, mother, 2 sisters (one a minor) and 2 other relatives were detained for 40 hours¹⁹⁷. Noor told Deutsche Welle (DW) that police frequently search his home in Bangladesh in an attempt to arrest him¹⁹⁸.
- 6.1.13 According to IFJ, no bloggers were killed during the reporting period (May 2019-April 2020) and a large number of atheist bloggers have left the country seeking asylum abroad, whilst 'Others remain in hiding in the country

¹⁸⁹ Dhaka Tribune, '[Writer, publisher Shahjahan Bachchu's first death anniversary](#)', 12 June 2019

¹⁹⁰ SATP, '[Jama'atul Mujahideen Bangladesh \(JMB\)](#)', no date

¹⁹¹ DFAT, '[Country Information Report Bangladesh](#)' (paragraph 2.36), 22 August 2019

¹⁹² Freedom House, '[Freedom on the Net 2020](#)' (section C7), 14 October 2020

¹⁹³ RSF, '[Death threats against Bangladeshi blogger accused of "defaming Islam"](#)', 28 July 2020

¹⁹⁴ RSF, '[Death threats against Bangladeshi blogger accused of "defaming Islam"](#)', 28 July 2020

¹⁹⁵ RSF, '[Death threats against Bangladeshi blogger accused of "defaming Islam"](#)', 28 July 2020

¹⁹⁶ DW, '[Bangladeshi blogger faces death threats for criticizing Islamic...](#)', 24 August 2020

¹⁹⁷ Amnesty International, '[Bangladesh: Authorities must refrain from harassing...](#)', 7 August 2020

¹⁹⁸ DW, '[Bangladeshi blogger faces death threats for criticizing Islamic...](#)', 24 August 2020

and remain active on social media and blogs using pseudonyms. Secular bloggers and critics of Islam face risks from all quarters including government and militants, as well as by the society and the country's laws which criminalise expressing opinions that "hurt religious sentiment".¹⁹⁹

- 6.1.14 In August 2020, Huffington Post (HuffPost) India provided an insight to the lives of some secular bloggers who were now living abroad having left Bangladesh, mostly in 2015, following a spate of killings of atheist writers and intellectuals by Islamists²⁰⁰. The report noted:

'According to journalist Omar Faroque, a special correspondent of the Dhaka-based Somoy TV, atheist bloggers would not be safe in Bangladesh even now. "There would not be much societal pressure on them, just like there was no major case of social harassment of atheist bloggers even at that time. They faced threats from religious organisations and militant groups. And that threat prevails," he said.'²⁰¹

- 6.1.15 The same report stated that some so-called rationalist bloggers remained in Bangladesh, but wrote under an alias:

'Marufur Rahman Khan is a 21-year-old and one of the editors of Shongshoy who lives in Bangladesh. Khan said that some of the bloggers living in the country use pen names, while others who reveal their real identity write on science and women's issues but avoid direct criticism of religious beliefs.

"Islamists can freely publish books and air their opinion against atheism, secularism, feminism, and homosexuality. But members from these communities are not allowed to express their beliefs or the lack of it. Too few in the country can write anything under their own name directly criticizing religion," said Khan.'²⁰²

See also [Blogging from abroad](#) and [Censorship, self-censorship and content restriction](#).

- 6.1.16 As noted in the DFAT report regarding the government's reaction to militant attacks:

'Bangladeshi authorities conducted extensive counter-terrorism operations in response to the wave of militant attacks, including arresting a number of militants connected with the attacks. While condemning the threats and acts of violence, however, the government has tended to attribute blame for militant attacks to the victims for criticising religion. Following the 2015 attacks, for example, the Home Minister stated that bloggers should be careful not to write anything that might hurt any religion, beliefs and religious leaders, while the Prime Minister stated it was unacceptable for anyone to write against the Prophet or other religions. DFAT assesses that this stance reflects domestic political considerations, with the government attempting to balance the interests of its traditional secular support base with those of Islamist groups.'²⁰³

¹⁹⁹ IFJ, '[States of Control: South Asia Press Freedom Report 2019-20](#)' (page 28), 3 May 2020

²⁰⁰ HuffPost, '[How Bangladeshi Bloggers Paid The Price For Protesting Religious...](#)', 3 August 2020

²⁰¹ HuffPost, '[How Bangladeshi Bloggers Paid The Price For Protesting Religious...](#)', 3 August 2020

²⁰² HuffPost, '[How Bangladeshi Bloggers Paid The Price For Protesting Religious...](#)', 3 August 2020

²⁰³ DFAT, '[Country Information Report Bangladesh](#)' (paragraph 3.39), 22 August 2019

See also the Country Policy and Information Note on [Bangladesh: Political parties and affiliation](#).

- 6.1.17 The DFAT report noted most of the murders of bloggers that occurred between 2013 and 2016 remained unresolved and added:

‘DFAT understands that police have told bloggers that protection is not available or guaranteed, and that most bloggers who still seek to comment on sensitive issues in Bangladesh now do so from outside the country. While there have been numerous cases in which bloggers have faced legal sanction in relation to their writing, the significant reduction in the prevalence of blogging means such cases are now rare.’²⁰⁴

See also [Blogging from abroad](#).

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Section 7 updated: 1 December 2020

7. Sur place activity

7.1 Legal context

- 7.1.1 Section 4, Chapter 1 of the DSA 2018 provides for extrajudicial application and states:

‘1) If any person commits any offense within this Act outside Bangladesh which would be a punishable offense if committed inside Bangladesh, then the provisions of this Act would be applicable in such a manner as if those Acts were committed in Bangladesh

‘2) If any person commits any offense in Bangladesh within this Act from outside Bangladesh using any computer, computer system, or computer, then the provision of this Act will be applicable in such a manner as if the whole process of the offense was committed inside Bangladesh

‘3) If any person commits any offense outside Bangladesh within this Act from inside Bangladesh, then the provisions of this Act will be applicable in such a manner that the whole process of committing the offense occurred inside Bangladesh.’²⁰⁵

- 7.1.2 In its analysis of the DSA, Article 19 expressed concern that section 4 was ‘overbroad’ and that it would lead to ‘the extraterritorial application of provisions, which are in breach of international human rights law.’²⁰⁶

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7.2 Blogging from abroad

- 7.2.1 Freedom House noted that ‘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

²⁰⁴ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.113), 22 August 2019

²⁰⁵ [DSA](#), (Chapter 1, Section 4), 8 October 2018

²⁰⁶ Article 19, ‘[Bangladesh: Digital Security Act 2018](#)’ (p14), November 2019

Kingdom, Malaysia, Saudi Arabia, Qatar, Australia, and Oman for allegedly spreading anti-state rumors on social media.²⁰⁷

- 7.2.2 Reporting on bloggers living in exile, HuffPost India referred to atheist blogger, Camelia Kamal and her blogger-husband, Subrata Adhikary, who fled Bangladesh in 2015, but continue to write on social media²⁰⁸. HuffPost noted ‘Though they have lived in Sweden for the past five years, the distance from Bangladesh has not made them feel safe. Emails and phone calls that claimed familiarity with their whereabouts made the couple move homes several times. “We try not to live in the same place for more than 6-7 months,” Kamal told HuffPost India.²⁰⁹
- 7.2.3 Other bloggers told HuffPost India of the threats and insults they frequently received²¹⁰. Whilst largely ignoring the threats, Shammi Haque, who left Bangladesh in 2015, said “Religious fundamentalism has no borders. Their ideological brethren could be living next to me. I try to closely guard information related to my movements and whereabouts. I am not completely safe anywhere,” said Haque, who has been working with a German-language newspaper for the past two years.²¹¹
- 7.2.4 HuffPost added ‘Five years on, these bloggers see hardly any possibility of going back ever again. “I will either be jailed by the government or killed by Islamic fundamentalists,” said Haque. “Democracy, secularism, and freethinking have died in Bangladesh. The government has struck a deal with fundamentalist forces”.²¹²
- 7.2.5 According to the same source, ‘Bangladesh’s largest religious organization Hefazat-e-Islam’s Narayanganj district unit president Abdul Awal said on July 24 [2020] at a gathering to offer namaaz [prayer], “We would have torn the atheists into pieces and soothed the pained hearts of the Muslims, only if we could reach them. Unfortunately, we are not being able to reach them at present”.²¹³
- 7.2.6 HuffPost mentioned Asad Noor, living in hiding following death threats (see [Critics of Islam](#)), and stated ‘Following the recent harassment of his family members, Noor said, “The police also dialed my number, and threatened me against continuing my activities online”.²¹⁴

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²⁰⁷ Freedom House, ‘[Freedom on the Net 2020](#)’ (section C3), 14 October 2020

²⁰⁸ HuffPost, ‘[How Bangladeshi Bloggers Paid The Price For Protesting Religious...](#)’, 3 August 2020

²⁰⁹ HuffPost, ‘[How Bangladeshi Bloggers Paid The Price For Protesting Religious...](#)’, 3 August 2020

²¹⁰ HuffPost, ‘[How Bangladeshi Bloggers Paid The Price For Protesting Religious...](#)’, 3 August 2020

²¹¹ HuffPost, ‘[How Bangladeshi Bloggers Paid The Price For Protesting Religious...](#)’, 3 August 2020

²¹² HuffPost, ‘[How Bangladeshi Bloggers Paid The Price For Protesting Religious...](#)’, 3 August 2020

²¹³ HuffPost, ‘[How Bangladeshi Bloggers Paid The Price For Protesting Religious...](#)’, 3 August 2020

²¹⁴ HuffPost, ‘[How Bangladeshi Bloggers Paid The Price For Protesting Religious...](#)’, 3 August 2020

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Broadcast, online and print media
 - Type and availability
- Legal rights – laws affecting press and media
 - Constitution
 - Legislation on press and media
- Media and internet freedom
 - Freedom of expression and the media – is there free and independent media?
 - (Self-) Censorship and content – restrictions on political or other sensitive topics
 - Online restrictions, monitoring and blocking / filtering
 - Defamation and sedition – usage of laws, arrests
 - Harassment and violence directed against journalists and publishers
- Critics of Islam
 - Violence against reporters by Islamic extremists, government response
- Violence against reporters not attributed to Islamist militants
- Sur place activity – laws, blogging abroad

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Version control

Clearance

Below is information on when this note was cleared:

- version **2.0**
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CPIN renamed. Updated country information and assessment.

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