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## Freedom of the Press 2010 - Bangladesh

**Status:** Partly Free

**Legal Environment:** 18

**Political Environment:** 22

**Economic Environment:** 16

**Total Score:** 56

**Status change explanation:** Bangladesh improved from Not Free to Partly Free due to a significant opening of the general political environment and media space following the December 2008 elections, which returned a civilian government to power. State of emergency restrictions were lifted, directives regarding content were loosened, and media outlets reported more freely during 2009.

Although the constitution provides for freedom of expression subject to "reasonable restrictions," the press is constrained by national security legislation as well as sedition and criminal libel laws. The Emergency Powers Rules imposed after the military takeover in January 2007 were lifted in December 2008 ahead of national elections held at the end of that year. They had restricted coverage of sensitive topics, allowed censorship of print and broadcast outlets, criminalized "provocative" criticism of the government, and stipulated penalties including hefty fines and up to five years in prison for violations. However, journalists can still be charged with contempt of court or defamation or be arrested under the 1974 Special Powers Act - which allows detentions of up to 90 days without trial - for stories that are critical of government officials or policies. In an encouraging step, draft amendments to the criminal code approved by the cabinet in December 2009 would outlaw the arrest of editors, publishers, journalists, or writers in connection with cases of defamation filed against them. Meanwhile, arrests stemming from defamation cases continued to occur in 2009.

In a positive development, Mohammad Atiqullah Khan Masud, editor of the national daily *Janakantha*, was released in January 2009 after being arrested in March 2007 and facing considerable jail time for fraud and other charges. Journalist and writer Salah Uddin Shoaib Choudhury, who was first arrested in 2003 and still faces sedition, treason, and blasphemy charges, has been allowed to travel while his case is pending.

Parliament in March 2009 replaced the Right to Information (RTI) Ordinance promulgated by the previous government with a similar RTI Act, which took effect in July. The law, intended to improve transparency, applies to all information held by public bodies, simplifies the fees required to access information, overrides existing secrecy legislation, and grants greater independence to the Information Commission tasked with overseeing and promoting the law, according to the press freedom group Article 19. Although a three-member Information Commission was appointed in July, advocacy groups noted ongoing concerns that the broadly worded provisions of the law would lead to inadequate implementation. A draft Broadcasting Act, which would allow nonprofit

entities to operate radio and television stations, remains under discussion.

The European Union Election Observation Mission noted that media coverage during the December 2008 election period was reasonably equitable and free, with "no reported instances of intimidation or violence against journalists." However, in January 2009, a group of journalists was reportedly blocked from entering Parliament to cover the proceedings of two special committees, despite having produced the relevant credentials. The print media were generally allowed more leeway than broadcasters and new media, particularly private television channels that provide 24-hour news coverage. In December 2009, authorities reportedly drafted guidelines for media houses regarding television talk shows, noting that "provocative statements" could lead to the banning of a show. Military intelligence and public relations officials monitor media content, and while they no longer issued regular guidance to media outlets regarding content in 2009, they did occasionally caution specific journalists on coverage of particular stories or topics. A number of journalists reported receiving threatening telephone calls and other forms of intimidation from intelligence agencies, and some practiced self-censorship when covering sensitive topics.

Journalists have traditionally faced pressure from a range of actors, including organized crime groups, political parties and their supporters, and leftist and Islamist militant groups. However, the overall level of violence has declined, and according to figures compiled by the Committee to Protect Journalists, no journalists have been killed since 2005. Local rights group Odhikar noted a number of instances of attacks or other intimidation by political party activists against members of the media in its 2009 human rights report. In February, journalist Farid Alam received death threats from the banned Jamaat-ul Mujahideen Bangladesh (JMB) militant group after the publication of his book on Islamist militancy; he fled the country in response. A newspaper employee was shot by unidentified gunmen in Savar in September. Impunity for those who perpetrate crimes against journalists remains the norm, with at least 16 murders since 1998 remaining unpunished, according to the International Press Institute. Investigations of such crimes generally proceed slowly, if at all.

A primary threat to journalists' physical safety comes from security forces, including the police and military intelligence. Police brutality toward reporters or photographers attempting to document political protests or other sensitive events remains a concern. On a number of occasions in 2009, journalists were detained, threatened, or otherwise harassed by the authorities. A particularly severe case of arbitrary arrest and custodial torture occurred in October, when reporter F. M. Masum of *New Age* was arrested and tortured by a unit of the Rapid Action Battalion (RAB) in Dhaka, apparently in reprisal for the paper's coverage of RAB atrocities. The authorities established a commission to investigate the incident and disciplined one of the officers responsible.

With hundreds of daily and weekly publications, the privately owned print media continue to present an array of views, although political coverage at a number of newspapers is highly partisan, and outlets presenting views that were critical of the government faced some pressure in 2009. Private broadcasting has expanded in recent years, with 10 satellite television stations and three radio stations now operating. The state owns or influences several broadcast media outlets, including the public BTV, which remained the sole national terrestrial channel. Private outlets are required to air selected government-produced news segments and official speeches. With the Ministry of Information's adoption of the "Community Radio Installation, Broadcasting, and Operation Policy 2008," the framework for licensing community radio stations has been established, although no licenses had been issued by year's end. Political considerations influence the distribution of government advertising revenue and subsidized newsprint, on which many publications depend.

Access to the internet, although generally unrestricted, was limited to less than 1 percent of the population in 2009. Some journalists' e-mail is reportedly monitored by police, and those brought in for questioning have been asked to supply personal internet passwords to intelligence officers. In March, authorities temporarily blocked access within Bangladesh to a number of websites, including the video-sharing site YouTube, citing national security concerns in the wake of an attempted mutiny by security forces.

After a public outcry, the ban was lifted within two weeks.

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